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No. 49] NEW DELHI, SATURDAY, DECEMBER 2, 2000/AGRAHAYANA 11, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कामिक लोक शिकायत तथा पशत मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 20 नवम्बर, 2000

का.आ. 2595 :—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मणिपुर राज्य सरकार के सचिवालय, गृह विभाग की अधिसूचना सं. 4/11/(26)/99-एच/141 दिनांक 22-07-2000 द्वारा प्राप्त मणिपुर राज्य सरकार की सहमति से सिंगजामेई पुलिस स्टेशन इम्फाल (वेस्ट), जिला मणिपुर में दर्ज मामला एफ आई आर सं. 7(1)/99 के संबंध में भारतीय दंड संहिता 1860 की धारा 120-बी, 420, 424 और 468 के अधीन दंडनीय अपराधों तथा संव्यवहार के अनुक्रम में किए गए अथवा पूर्वोक्त मामले से संबंधित उसी तथ्य अथवा तथ्यों से उद्भूत उक्त अपराधों से संबंधित किन्हीं अन्य अपराध (धों)

प्रयत्न(नों), दुष्प्रेरणा(णों) और षडयंत्र का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और विस्तार सम्पूर्ण मणिपुर राज्य पर करती है।

[सं. 228/82/99 ए. वो. डी. V]

हरि सिंह अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 20th November, 2000

S.O. 2595.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act. No. 25 of 1946), the Central Government with the consent of the State Government of Manipur, vide Secretariat, Home Department Notification No. 4/11/(26)/99-H/141 dated 22-7-2000 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Manipur for investigation of offences punishable under section 120B, 420, 424 and 468 of the Indian Penal Code, 1860, vide case FIR No. 7(1)/99 registered with Singjamei Police Station, Imphal (West), District Manipur and any other

offence(s) attempt(s), abetment and conspiracy in connection with the said offences committed in the course of the same transaction or arising out of the same fact in relation to the aforesaid case.

[No. 228/82/99-AVD. II]
HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)
(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 16 अक्टूबर, 2000

(आयकर)

का.आ. 2596:—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा वी.एच.एस. हायर एजुकेशन सोसायटी बंगलूर को 1999-2000 से 2001/2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो;
- (IV) कर निर्धारिती आयकर अधिनियम 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निम्नलिखित रूप आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (V) वह नि विषयन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों सनान उद्देश्यों धनार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 11529/फ.सं. 197/69/2000आ.क.नि.]

समर भद्र, आयकर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 16th October, 2000

(INCOME TAX)

S.O. 2596.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "BHS Higher Education Society, Bangalore" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11529/F. No. 197/69/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 अक्टूबर 2000

आयकर

का.आ. 2597:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) उपखंड (VI) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आल इण्डिया इनेजमेंट एसोसिएशन नई दिल्ली को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा ii की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारितो के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हो ;

(iv) कर निर्धारितो आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) विघटनों की दशा में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 11531/फा. सं. 197/97/2000-आ. क. नि. 1]

समर भद्र, अवर सचिव

New Delhi, the 16th October, 2000

(INCOME TAX)

S.O. 2597.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "All India Management Association, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11531/F. No. 197/97/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 अक्टूबर, 2000

आयकर

का. आ. 2598 —आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल एजुकेशन सोसायटी आफ कर्नाटक, बंगलोर" को 1999-2000 से 2001-2002 तक के कर निर्धारण

वर्षों के लिए निम्नलिखित शर्तों का अंगान रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्

(i) कर निर्धारितो उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उक्त संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारितो उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की कितनी भी अवधि के दौरान धारा 11 की उपधारा (v) में विनिर्दिष्ट कितनी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात फनांचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वच्छिन्न अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारितो के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;

(iv) कर निर्धारितो आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) सोसायटी के विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 11534/फा. सं. 197/22/2000 आ. क. नि. 1]

समर भद्र, अवर सचिव

New Delhi, the 17th October, 2000

(INCOME TAX)

S.O. 2598.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Education Society of Karnataka, Bangalore" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Society its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11534/F. No. 197/22/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 30 अक्टूबर 2000

आयकर

का.आ. 2599.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “वेद शिवागम तिरुमुराई पट्टासलाई ट्रस्ट, सेलम को” 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हो;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 11540/फा. सं. 197/28/99-आ.क.नि-I]

समर भद्र अवर सचिव

New Delhi, the 30th October, 2000

(INCOME TAX)

S.O. 2599.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Veda Sivagama Thirumurai Pattasalai Trust, Salem” for the purpose of the said sub-clause for the assessment year 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11540/F. No. 197/28/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 नवम्बर, 2000

(आयकर)

का.आ. 2600.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “अभिनव शिक्षा संस्थान, नई दिल्ली” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

(vi) सभी जमा और निवेश जो धारा 11(5) के उपबंधों के अनुसार नहीं हैं, वे दिनांक 30-3-2001 के बाद इस प्रकार जमा अथवा निवेश नहीं किये जायेंगे।

[अधिसूचना सं. 11541/फा. सं. 197/86/2000-आ.क.नि-I]

समर भद्र, अवर सचिव

New Delhi, the 6th November, 2000

(INCOME TAX)

S.O. 2600.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Abhinav Shiksha Sansthan, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.
- (vi) all the deposits and investments which are not in accordance with the provisions of Section 11(5) will be not continued to be so deposited or invested after 30-3-2001.

[Notification No. 11541/F. No. 197/86/2000-ITA-I]
SAMAR BHADRA, Under Secy.

(केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय)

मदुरै, 14 नवम्बर, 2000

सं. 7/2000-सीमा शुल्क (एन.टी.)

का.आ.2601:—सीमा शुल्क अधिनियम, 1962 धारा 9 जो भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी.) दिनांक 1-7-94 के साथ पठित, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा तमिलनाडु राज्य के तिरुनेलवेली जिला, पालयंकोट्टै तालूक के "कुलवणिगरपुरम" गाँव को सीमा शुल्क अधिनियम, 1962 (1962 का 52) के अधीन शत-प्रतिशत निर्यातमुख्य उपक्रम स्थापित करने हेतु भांडीगार घोषित करता हूँ।

[फा. सी.सं. IV/16/110/2000-टी-2]

एन. शशिधरन, आयुक्त

(OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE)

Madurai, the 14th November, 2000

No. 7/2000-CUSTOMS(N.T.)

S O. 2601.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94-Customs (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare "KULAVANIGARPURAM" VIL-LAGE, PALAYAMKOTTAI TALUK, TIRUNEL-VELI DISTRICT in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the purpose of setting up of 100% Export Oriented Undertakings.

[F. C. No. IV/16/110/2000-T. 2]

N. SASIDHARAN, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 17 नवम्बर, 2000

का.आ.2602:— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर इसके द्वारा यह घोषित करती है कि बैंककारी विनियमन (सहकारी समितियों) नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपबंध दि फेड्स सहकारी बैंक लि., मुम्बई पर उस सीमा तक लागू

नहीं होंगे, जहां तक वे समाचार-पत्र में लेखा परीक्षक की रिपोर्ट के साथ 1999-2000 वर्ष के तुलन-पत्र और लाभ-हानि लेख के प्रकाशन से संबंधित हों।

[फा.सं. 1(22)/2000-ए.सी.]

एल.सी. तूरा, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 17th November, 2000

S.O. 2602.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Co-operative Societies) Rule, 1966 shall not apply to The Friends' Co-operative Bank Ltd., Mumbai in so far as they relate to the publication of their balance sheet and profit and loss account for the year 1999-2000 with the auditor's report in the newspapers.

[No. 1(22)/2000-AC]

L. C. TOORA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 13 नवम्बर, 2000

का.आ.2603.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (4) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय दन्त चिकित्सा परिषद से परामर्श करने के बाद एतद्-

द्वारा उक्त अधिनियम की अनुसूची के भाग-III में निम्नलिखित संशोधन करती है, अर्थात्:—

अनुसूची के भाग-III में क्रम संख्या 76 और उससे संबद्ध प्रविष्टियों के बाद निम्नलिखित क्रम संख्या और प्रविष्टियां जोड़ी जाएंगी, अर्थात्:—

77. वियना विश्वविद्यालय	मुख शल्य चिकित्सा में एक वर्ष का स्नातकोत्तर डिप्लोमा। उपर्युक्त अर्हता तभी एक मान्यता-प्राप्त दन्त चिकित्सा अर्हता होगी जब यह 1993 में अथवा उसके बाद प्रदान की गई हो।	स्नातकोत्तर डिप्लोमा (मुख शल्य चिकित्सा), वियना
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[सं.वी. 12018/6/2000-पी.एम.एस.]

एस. के. राव, निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 13th November, 2000

S.O. 2603.—In exercise of the powers conferred by clause (b) of sub-Section (4) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendment in Part-III of the Schedule to the said Act, namely:—

In Part-III of the Schedule after serial number 76 and the entries relating thereto, the following serial number and entries shall be added, namely:—

77. University of Vienna	One year P. G. Diploma in Oral Surgery	P. G. Diploma (Oral Surgery) Vienna
The above qualification will be a recognised dental qualification when granted on or after 1993.		

[No. V-12018/6/2000-PMS]

S. K. RAO, Director

उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 10 नवम्बर, 2000

का.आ.2604.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण से भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक संख्या अतिरिक्त भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 69 : 2000—बैंकिंग और संबंधित वित्तीय सेवाएं—सूचना सुरक्षा मार्गदर्शी सिद्धांत	—	2000-07-31

(1)	(2)	(3)	(4)
2.	आईएस 276 : 2000—अस्टेनाईटी—सैगनीज इस्पात डलाइया—विशिष्ट (पांचवा पुनरीक्षण)	आईएस 276 : 1992	2000-08-31
3.	आईएस 1931 : 2000 : इंजीनियर्स फाइल्स—विशिष्ट (तीसरा पुनरीक्षण)	—	2000-08-31
4.	आईएस 3733 : 2000—जलपोत निर्माण—संवातन तंत्र के संस्थापनों हेतु स्कीमों में प्रयोग किये जाने वाले पारम्परिक प्रतीक—सिफारिशें (पहला पुनरीक्षण)	आईएस 3733 : 1966	2000-07-31
5.	आईएस 3836 : 2000—औद्योगिक भवनों की अग्नि से सुरक्षा—जूट मिलें—रीति संहिता (दूसरा पुनरीक्षण)	आईएस 3836 : 1979	2000-08-31
6.	आईएस 4639 (भाग 5) : 2000—मैट्रोनिंगप उद्योग—शब्दावली भाग 5 परिवहन, भण्डारण, वितरण (पहला पुनरीक्षण)	—	2000-08-31
7.	आईएस 5129 (भाग 5) : 2000—पूर्ण सैफ्ट की लिप टाइप सील भाग 5 चाक्षुष दोष जात करना	—	2000-07-31
8.	आईएस 6813 : 2000—बुआई उपस्कर बीज एवं खाद ड्रिल—विशिष्ट (दूसरा पुनरीक्षण)	आईएस 6813 : 1993	2000-09-31
9.	आईएस 7621 : 2000—हाई लिफ्ट राइडर ट्रक—शिरोपरि गाई विशिष्ट और पुनरीक्षण (पहला पुनरीक्षण)	आईएस 7621 : 1974	2000-07-31
10.	आईएस 8420 : 2000—अनाज सुखाने के यंत्र—पारिभाषिक शब्दावली (पहला पुनरीक्षण)	आईएस 8420 : 1977	2000-07-31
11.	आईएस 9109 : 2000—औद्योगिक भवनों की अग्नि सुरक्षा—गैट और वार्निश की फैक्ट्रियां—रीति संहिता (पहला पुनरीक्षण)	आईएस 9109 : 1979	2000-08-31
12.	आईएस 9981 : 2000—कृषि उत्पाद प्रसंस्करण उपस्कर—पारिभाषिक शब्दावली (पहला पुनरीक्षण)	आईएस 9981 : 1981	2000-08-31
13.	आईएम 11282 : 2000—लोह अयस्क के सूक्ष्म कणों के लिए प्रयोगशाला में प्रयुक्त पाट-ग्रेट सिटरिंग परीक्षण हेतु दिशा—निर्देश (पहला पुनरीक्षण)	आईएस 11282 : 1985	2000-08-31
14.	आईएस 12593 : 2000—द्रवचालित तरल शक्ति—एक छड़ वाला सिलिंडर 16 मेगापास्कल (160 बार) सवन श्रेणी—छूटें (पहला पुनरीक्षण)	आईएस 12593 : 1989	2000-07-31
15.	आईएस 13360 (भाग 4/खंड 5) : 2000—प्लास्टिक—परीक्षण पद्धतियां भाग 4 रियोलॉजिकल गुणधर्म खंड 5 प्लास्टिक प्रयुक्त कैपिलरी की तरलता का निर्धारण और स्लिट डाई रियोमीटर	—	2000-07-31

(1)	(2)	(3)	(4)
16.	आईएस 13730 (भाग 34) : 2000—कुंडलन तारों के विशेष प्रकारों की विशिष्ट भाग 34 पोलिएस्टर इनेमलकृत गोल तांबे के तार वर्ग 130 एल (पहला पुनरीक्षण)	आईएस 13730 (भाग 34) 1993	2000-08-31
17.	आईएस 14700 (भाग 1/खंड 1) 2000—विद्युत चुम्बकीय संगतता (ई एम सी) भाग 1 सामान्य खंड 1 आधारभूत परिभाषाओं और शब्दों के अनुप्रयोग एवं व्याख्या	—	2000-08-31
18.	आईएस 14776 (भाग 2) : 2000—औद्योगिक स्वचालन—शॉप फ्लोर उत्पादन भाग 2 मानकीकरण एवं पद्धति निर्धारण हेतु संदर्भ मॉडल का अनुप्रयोग	—	2000-08-31
19.	आईएस 14780 : 2000—जिक नेफ्थनेट—विशिष्ट	—	2000-08-31
20.	आईएस 14796 : 2000—प्रबलन अपचयन प्रक्रियाओं हेतु धरण सामग्री पर दिग्दर्शिका	—	2000-07-31
21.	आईएस 14798 : 2000—विमान—सेल्फ-लॉकिंग स्थिर, एकल-लग एन्कर नट प्रतिवेधक के साथ 1100 मेगापास्कर/235. सें. वर्गीकरण—विशिष्ट	—	2000-08-31
22.	आईएस 14803 (भाग 2) : 2000—सादे बेयरिंग भाग 2, शैफ्ट, फ्लेंज और प्रणौद कॉलर के प्ररूप तथा स्थिति और सतह रूक्षता पर छूटें	—	2000-08-31
23.	आईएस 14804 : 2000—पहाड़ी क्षेत्रों में आवासीय भवनों का स्थल निर्धारण डिजाइन तथा सामग्री का चयन—मार्गदर्शी सिद्धांत	—	2000-08-31
24.	आईएस 14809 : 2000—जलपोत निर्माण जलपोत में स्वच्छता तंत्र के संस्थापनों की स्कीमों में प्रयोग किये जाने वाले पारम्परिक प्रतीक	—	2000-08-31
25.	आईएस 14814 : 2000—एसीटिलीन—सुरक्षा संहिता	—	2000-08-31
26.	आईएस 14825 : 2000—पशु आहार—नाइट्रोजन की मात्रा ज्ञात करना एवं क्रूड प्रोटीन की मात्रा की गणना—जैलडाल पद्धति	—	2000-08-31
27.	आईएस 14828 : 2000—पशु आहार—कुल फासफोरस मात्रा ज्ञात करना—सपेक्ट्रो—फोटोमेट्रिक पद्धति	—	2000-08-31
28.	आईएस 14829 : 2000—पशु आहार—पानी में घुलनशील क्लोराइड की मात्रा ज्ञात करना	—	2000-08-31
29.	आईएस 14830 : 2000—पशु आहार—नमी की मात्रा ज्ञात करना	—	2000-08-31
30.	आईएस 14837 : 2000—प्रयोगशाला सामान—सिलिका कूसीबल—विशिष्ट	—	2000-08-31
31.	आईएस 14838 : 2000—प्रयोगशाला सामान—प्लास्टिक धवन बोतलें—विशिष्ट	—	2000-08-31
32.	आईएस 14848 : 2000—द्रवचालित तरल शक्ति पम्प और मोटरें—ज्यामितीय विस्थापन	—	2000-07-31
33.	आईएस 14849 (भाग 1) : 2000—द्रवचालित तरल शक्ति—मोटरों के अभिलक्षण का निर्धारण भाग 1 स्थिरनिम्न गति और स्थिर दाब पर	—	2000-07-31
34.	आईएस 14849 (भाग 2) : 2000—द्रवचालित तरल शक्ति—मोटरों के अभिलक्षण का निर्धारण भाग 2 प्रवर्त्यता	—	2000-07-31

(1)	(2)	(3)	(4)
35.	आईएस 14850 : 2000—संग्रहालयों में अग्नि शमन के लिये रीति संहिता	—	2000-08-31
36.	आईएस 14853 : 2000—कपड़ों के साइज के नाम—पुरुषों और लड़कों के बाहरी परिधान	—	2000-08-31
37.	आईएसक्यूसी 001002—2 : 2000—इलेक्ट्रॉनिक घटकों के लिए आईईसी गुणता मूल्यांकन पद्धति (आई ई सी क्यू)—विधि प्रक्रिया संबंध नियम भाग 2 प्रलेखन (पहला पुनरीक्षण)	—	2000-08-31
38.	आईएसक्यूसी-001002-3:—2000—इलेक्ट्रॉनिक घटकों के लिए आईईसी गुणता मूल्यांकन पद्धति (आई ई सी क्यू)—विधि प्रक्रिया संबंधी नियम भाग 3 प्रक्रिया का अनुमोदन (पहला पुनरीक्षण)	—	2000-08-31
39.	आईएसक्यूसी 001003 : 2000—इलेक्ट्रॉनिक घटकों के लिये आई ई सी गुणता मूल्यांकन पद्धति (आई ई सी क्यू)—मार्गदर्शी दस्तावेज	—	2000-08-31
40.	आईएसक्यूसी 410000 : 2000—इलेक्ट्रॉनिक उपकरणों में प्रयुक्त विभवमापी भाग 1 सामान्य विशिष्टि	—	2000-08-31

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चण्डीगढ़, चेन्नई, मुंबई और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, काठपुर, लखनऊ, नागपुर, पटना, पृणे, रायकोट तथा निम्नवन्तनापुरम में विक्री हेतु उपलब्ध हैं।

[सं. के प्र वि/13-2]

बी. के. जैन, अपर महानिदेशक

MINISTRY OF CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 10th November, 2000

S.O.2604.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established on the date indicated against each :

SCHEDULE

Sl. No.	No., year and Title of the Indian Standards Established	No. & year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	SP 69:2000—Banking and related financial services—Information security guidelines	—	2000-07-31
3174 GI/2000—2			

(1)	(2)	(3)	(4)
2. IS 276:2000—Austenitic-manganese steel castings— Specification (Fifth Revision)		IS 276:1992	2000-08-31
3. IS 1931:2000—Engineer's files—Specification (Third Revision)		—	2000-08-31
4. IS 3733:2000—Shipbuilding—Conventional signs to be used in schemes for the installations of venti- lation systems—Recommendations (First Revision)		IS 3733:1966	2000-07-31
5. IS 3836:2000—Fire safety of industrial buildings— Jute mills—Code of practice (Second Revision)		IS 3836:1979	2000-08-31
6. IS 4639 Part (5) 2000—Petroleum industry—Ter- minology Part 5 Transport, storage, distribution (First Revision)		—	2000-08-31
7. IS 5129 (Part 5):2000—Rotary shaft lip type seals Part 5 Identification of visual imperfections		—	2000-07-31
8. IS 6813:2000—Sowing equipment—Seed-cum-fer- tilizer drill—Specification (Second Revision)		IS 6813:1993	2000-09-30
9. IS 7621:2000—High-lift rider trucks—Overhead guards—Specification and testing (First Revision)		IS 7621:1974	2000-07-31
10. IS 8420:2000—Gram dryers—Glossary of terms (First Revision)		IS 8420:1977	2000-07-31
11. IS 9109:2000—Fire safety of industrial buildings— Paint and varnish factories—Code of practice (First Revision)		IS 9109:1979	2000-08-31
12. IS 9981:2000—Agricultural produce processing equipment—Glossary of terms (First Revision)		IS 9981:1981	2000-08-31
13. IS 11282:2000—Guidelines for laboratory pot— grate sintering tests for iron ore fines (First Revision)		IS 11282:1985	2000-08-31
14. IS 12593:2000—Hydraulic fluid power—single rod cylinders, 16 MPa (160 bar) compact series—Tol- erances (First Revision)		IS 12593:1989	2000-07-31

(1)	(2)	(3)	4)
15. IS 13360 (Part 4/Sec 5):2000—Plastics—Methods of testing Part 4 Rheological properties Section 5 Determination of the fluidity of plastics using capillary and slit-die rheometers			2000-07-31
16. IS 13730 (Part 34):2000—Specifications for particular types of winding wires Part 34 Polyester enamelled round copper wire, class 130 L (First Revision)	IS 13730 (Part 34):1993		2000-08-31
17. IS 14700 (Part 1/Sec 1):2000—Electromagnetic compatibility (EMC) Part 1 General Section 1 Application and interpretation of fundamental definitions and terms	—		2000-08-31
18. IS 14776 (Part 2):2000—Industrial automation—Shop floor production Part 2 Application of the reference model for standardization and methodology	—		2000-08-31
19. IS 14780:2000—Zinc naphthenate—Specification	—		2000-08-31
20. IS 14796:2000 Guidelines on feedstock for smelting reduction processes	—		2000-07-31
21. IS 14798:2000—Aerospace—Self-locking, fixed, single-lug anchor nuts with counterbore, classification 1100 MPa/235 C —Specification	—		2000-08-31
22. IS 14803 (Part 2):2000—Plain Bearings Part 2 Tolerances on form and position and surface roughness for shafts, flanges and thrust collars	—		2000-08-31
23. IS 14804:2000—Siting, design and selection of materials for residential buildings in hilly areas—Guidelines	—		2000-08-31
24. IS 14809:2000—Shipbuilding—Conventional signs to be used in schemes for the installations of sanitary systems in ships	—		2000-08-31
25. IS 14814:2000—Acetylene—Code of safety	—		2000-08-31
26. IS 14828:2000—Animal feeding stuff—Determination of total phosphorus content—Spectrophotometric method	—		2000-08-31
27. IS 14825:2000—Animal feeding stuff—Determination of nitrogen content and calculation of crude protein content—KJELDAHL method	—		2000-08-31

(1)	(2)	(3)	(4)
28.	IS 14829:2000—Animal feeding stuff—Determination of water soluble chloride content	—	2000-08-31
29.	IS 14830:2000—Animal feeding stuff—Determination of moisture content	—	2000-08-31
30.	IS 14837:2000—Laboratoryware—Silica crucibles—Specification	—	2000-08-31
31.	IS 14838:2000—Laboratoryware—Plastics wash bottles—Specification	—	2000-08-31
32.	IS 14848:2000—Hydraulic fluid power—Pumps and motors—Geometric displacements	—	2000-03-31
33.	IS 14849 (Part 1):2000—Hydraulic fluid power—Determination of characteristics of motors Part 1 At constant low speed and at constant pressure	—	2000-07-31
34.	IS 14849 (Part 2):2000—Hydraulic fluid power—Determination of characteristics of motors Part 2 Startability	—	2000-07-31
35.	IS 14850:2000—Fire safety of museums—Code of practice	—	2000-08-31
36.	IS 14853:2000—Size designation of cloths—Men's and boy's outerwear garments	—	2000-08-31
37.	ISQC 001002-2:2000—IEC Quality assessment system for electronic components (IECQ)—Rules of procedure Part 2 Documentation (First Revision)	—	2000-08-31
38.	ISQC 001002-3:2000—IEC Quality assessment system for electronic components (IECQ) Rules of procedure Part 3 Approval procedures (First Revision)	—	2000-08-31
39.	ISQC 001003:2000—IEC Quality assessment system for electronic components (IECQ)—Guidance documents	—	2000-08-31
40.	ISQC 410000:2000—Potentiometers for use in electronic equipment Part 1 Generic specification	—	2000-08-31

Copy of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Nagpur, Patna, Pune, Rajkot, Thiruvananthapuram.

[No. CMD/13:2]

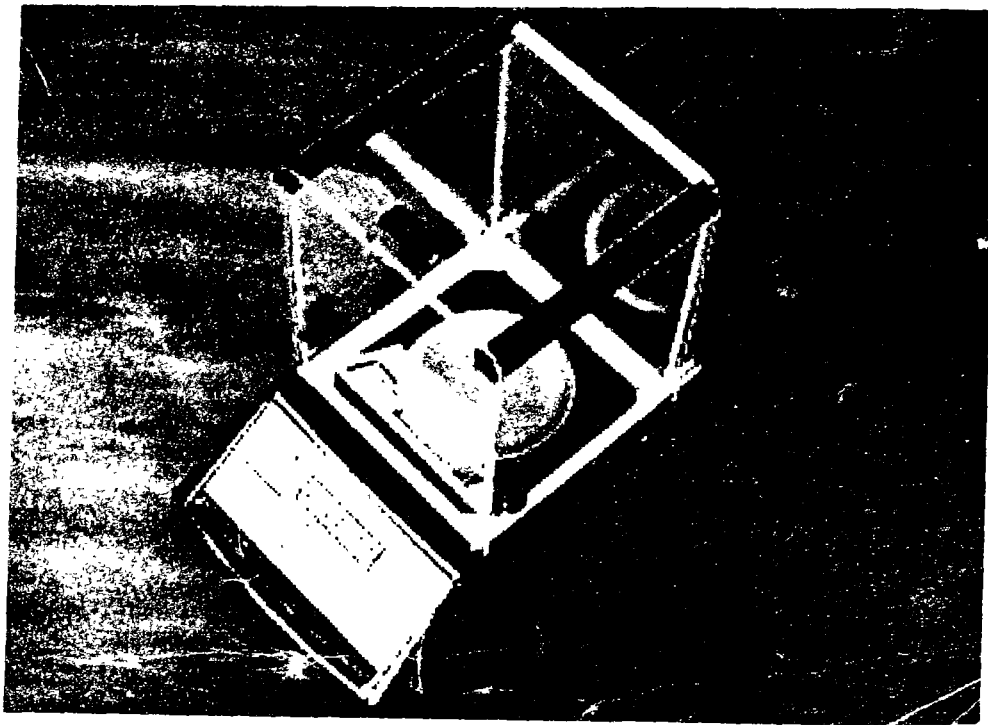
V.K. JAIN, Addl. Director General

नई दिल्ली, १६ नवम्बर, २०००

का.आ. २६०५.— केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, १९७६ (१९७६ का ६०) और बाट और माप मानक (माडलों का अनुमोदन) नियम, १९८७ के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा ३६ की उपधारा (७) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एटको इंडस्ट्रीज लिमिटेड, ३ लालवानी इंडस्ट्रियल इस्टेट, १४ जी.डी. अम्बेडकर मार्ग, वडाला, मुंबई-४०००३१ द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "प्रिंसीजन" शृंखला के अंकीय सूचन सहित स्वतः सूचक, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के माडल का जिसके ब्रांड का नाम "एटको" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसे अनुमोदन चिह्न आई एन डी/०९/२०००/१४१ दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (आकृति नीचे दी गई है) जिसकी अधिकतम क्षमता ६०० ग्राम है और न्यूनतम क्षमता २०० मिली ग्राम का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) मान १० मिलि ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण २३० वोल्ट और ५० हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, आगे केन्द्रीय सरकार, उक्त अधिनियम की धारा ३६ की उपधारा (१२) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे उपकरण भी होंगे जिनकी अधिकतम क्षमता ५० कि ग्रा तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी मापमान में किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या १,००,००० से कम या उसके बराबर है (एन $\leq 1,00,000$) तथा जिसका "ई" मान 1×10 के, 2×10 के और 5×10 के है, जहाँ के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम. २१ (२५)/९८]

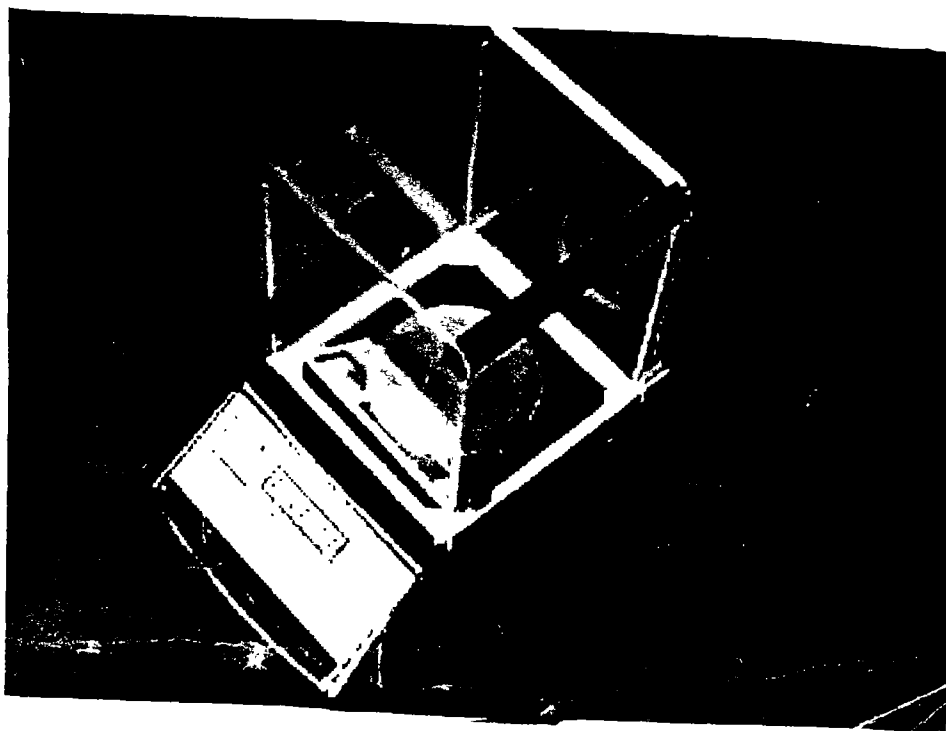
पी ए कुण्डर्मी निर्देशक, विधिक माप विज्ञान

New Delhi, the 16th November, 2000

S.O. 2605.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of "Precision" series of High accuracy Class (Accuracy class II) and with brand name "ATCO" (hereinafter referred to as the model) manufactured by M/s ATCO Industries Limited, 3, Lalwani Industrial Estate, 14, G.D. Ambedkar Road, Wadala, Mumbai-400031 and which is assigned the approval mark IND/09/2000/141;

The said model (figure given below) is weighing instrument with a maximum capacity of 600g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum capacity up to 50 kg with number of verification scale interval (n) less than or equal to 1,00,000 ($n \leq 1,00,000$) and with 'e' value 1×10^k , 2×10^k , 5×10^k , being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[No. WM-21 (25)/98]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2606.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2730 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची**पाइपलाइन : मंडपेटा-7 से मंडपेटा ई पी एस**

राज्य : आंध्र प्रदेश

मंडल : आलमूरू

जिला : पूर्व गोदावरी

गांव : कलवचर्ला

1	2	3	4	5	6	7
कलवचर्ला	89/2B	0	01	0	0	02
	90/1B	0	04	0	0	10
	88/3D	0	12	5	0	31
	86/1B	0-	02	0	0	05
	86/2B	0	11	5	0	29
	86/2C	0	07	5	0	19
	79/2	0	02	5	0	06
	78/2	0	08	0	0	20
	78/3	0	06	0	0	15
	78/4	0	01	0	0	02
	71/3B	0	13	5	0	33
	76/1A	0	00	5	0	01
	57/1B	0	08	5	0	21
	57/2B	0	05	0	0	12
	57/1C	0	06	5	0	16
	57/1D	0	17	0	0	10
	57/4B	0	00	5	0	01
	53/5B	0	06	5	0	16

1	2	3	4	5	6	7
कलवचर्ला	53/6B	0	17	0	0	42
	52/1B	0	01	5	0	04
	52/1C	0	09	0	0	22
	52/2A	0	01	5	0	04
	40/2B	0	06	0	0	16
	40/2C	0	06	0	0	16
	40/4B	0	02	5	0	06
	40/5B	0	05	0	0	12
	40/6B	0	04	0	0	10
	33/3B	0	00	5	0	01
	33/4B	0	04	0	0	10
	33/7B	0	03	0	0	08
	33/4C	0	00	5	0	01
	41/1B	0	09	5	0	24
	41/2B	0	05	5	0	13
	41/2D	0	00	5	0	01
	41/2E	0	01	0	0	02
	45/1B	0	01	0	0	02
	45/2B	0	05	0	0	12
	45/3A	0	00	5	0	01
	45/4B	0	05	5	0	14
	45/5B	0	13	0	0	32
	29/2B	0	06	0	0	15
	46/1B	0	20	0	0	49
	56/2C	0	02	0	0	05
	Total	2	31	0	5	71
आलमूरू	56/2B	0	05	5	0	14
	2C	0	01	0	0	02
	1B	0	02	5	0	06
	1C	0	06	5	0	16
	55/1B	0	04	0	0	10
	1C 2B	0	07	0	0	08
	52/1B	0	01	0	0	03
	2B	0	07	0	0	17
	3B	0	11	0	0	27
	53/1B	0	08	5	0	21
	47/3B	0	07	0	0	17
	3C	0	09	5	0	23
	4B	0	02	0	0	05
	48/2B2	0	00	5	0	01
	Total	0	69	0	1	70
पेदपल्ला	93/1B	0	10	0	0	25
	93/3B	0	09	0	0	23
	94/2	0	03	0	0	07
	78/1B	0	06	5	0	16
	Total	0	28	5	0	71

[सं. ओ.-12016/1(1)/2000-ओ.एन.जी./डी-IV]

एच. एस. राजौर, डैस्क अधिकारी

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 9th November, 2000

S.O. 2606.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2730 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act. submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section. Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE**ROU PIPE LINE FROM MANDAPETA-7 TO MANDEPTA EPS**

State Andhra Pradesh District East Godavari
Mandal Alamuru

Village	Survey number	Area		Cen- tiales	Ac- res	Cents
		Hect- ares	Ares			
1	2	3	4	5	6	7
KALAV-	89/2B	0	01	0	0	02
ACHERLA	90/1B	0	04	0	0	10
	88/3D	0	12	5	0	31
	86/1B	0	02	0	0	05
	86/2B	0	11	5	0	29
	86/2C	0	07	5	0	19
	79/2	0	02	5	0	06
	78/2	0	08	0	0	20
	78/3	0	06	0	0	15
	78/4	0	01	0	0	02
	71/3B	0	13	5	0	33
	76/1A	0	00	5	0	01
	57/1B	0	08	5	0	21
	57/2B	0	05	0	0	12
	57/1C	0	06	5	0	16
	57/1D	0	07	0	0	10

1	2	3	4	5	6	7
KALAV-	57/4B	0	00	5	0	01
ACHERLA	53/5B	0	06	5	0	16
	53/6B	0	17	0	0	42
	52/1B	0	01	5	0	04
	52/1C	0	09	0	0	22
	52/2A	0	01	5	0	04
	40/2B	0	06	0	0	16
	40/2C	0	06	0	0	16
	40/4B	0	02	5	0	06
	40/5B	0	05	0	0	12
	40/6B	0	04	0	0	10
	33/3B	0	00	5	0	01
	33/4B	0	04	0	0	10
	33/7B	0	03	0	0	08
	33/4C	0	00	5	0	01
	41/1B	0	09	5	0	24
	41/2B	0	05	5	0	13
	41/2D	0	00	5	0	01
	41/2E	0	01	0	0	02
	45/1B	0	01	0	0	02
	45/2B	0	05	0	0	12
	45/3A	0	00	5	0	01
	45/4B	0	05	5	0	14
	45/5B	0	13	0	0	32
	29/2B	0	06	0	0	15
	46/1B	0	20	0	0	49
	56/2C	0	02	0	0	05
	Total	2	31	0	5	71
ALMURU	56/2B	0	05	5	0	14
	2C	0	01	0	0	02
	1B	0	02	5	0	06
	1C	0	06	5	0	16
	55/1B	0	04	0	0	10
	1C 2B	0	07	0	0	08
	52/1B	0	01	0	0	03
	2B	0	07	0	0	17
	3B	0	11	0	0	27
	53/1B	0	08	5	0	21
	47/3B	0	07	0	0	17
	3C	0	09	5	0	23
	4B	0	02	0	0	05
	48/2B2	0	00	5	0	01
	Total	0	69	0	1	70
PEDA-	93/1B	0	10	0	0	25
PALLA	93/3B	0	09	0	0	23
	94/2	0	03	0	0	07
	78/1B	0	06	5	0	16
	Total	0	28	5	0	71

[No. O-12016/1(1)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2607.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2741 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : मंडपेटा-6 से मंडपेटा इ. पि. एस.

स्टेट : आंध्र प्रदेश
जिला : पूरब गोदावरी

मंडल : आलमूरू
गांव : पेदपल्ला

1	2	3	4	5	6	7
पेदपल्ला	4/1B	0	02	0	0	05
	4/2B	0	09	0	0	22
	16/2	0	03	5	0	09
	17/3B	0	09	5	0	23
	17/4B2	0	03	0	0	07
	18	0	06	5	0	17
	20/3B	0	14	5	0	36
	20/4B	0	04	5	0	11
	21/5B	0	13	5	0	33
	21/5C	0	06	5	0	16

1	2	3	4	5	6	7
पेदपल्ला	23/1A2	0	12	0	0	30
	23/1B2	0	02	05	0	06
	23/2A	0	01	0	0	02
	23/3B	0	04	5	0	11
	23/3D	0	23	0	0	57
	24/1B	0	10	5	0	26
	24/3B	0	20	5	0	51
	22	0	14	5	0	36
		1	61	0	03	98
मोदुकारु	165/1C	0	03	5	0	09
	166/2	0	04	0	0	09
		0	07	5	0	18

[सं. ओ.-12016/1(2)/2000-ओ.एन.जी/डी.-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2607.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2741 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE**ROU PIPE LINE FROM MANDAPETA-6 TO
MANDAPETA EPS****State : Andhra Pradesh District : East Godavari
Mandal : Alamuru**

Village	Survey number	Area		Cen- Ac- tiares res	Cents	
		Hect- tares	Ares			
1	2	3	4	5	6	7
PEDAPALLA	4/1B	0	02	0	0	05
	4/2B	0	09	0	0	22
	16/2	0	03	5	0	09
	17/3B	0	09	5	0	23
	17/4B2	0	03	0	0	07
	18	0	06	5	0	17
	20/3B	0	14	5	0	36
	20/4B	0	04	5	0	11
	21/5B	0	13	5	0	33
	21/5C	0	06	5	0	16
	23/1A2	0	12	0	0	30
	23/1B2	0	02	05	0	06
	23/2A	0	01	0	0	02
	23/3B	0	04	5	0	11
	23/3D	0	23	0	0	57
	24/1B	0	10	5	0	26
	24/3B	0	20	5	0	51
	22	0	14	5	0	36
			1	61	0	3
MODUKURU	165/1C2	0	03	5	0	09
	166/2	0	04	0	0	09
	Total	0	07	5	0	18

[No. O-12016/1(2)/2000-ONG/D-IV]

H S RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2608.—यतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2739 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मंलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची**आर. ओ. यू. पाईप लाईन : मंडपेटा-3 से मंडपेटा इ. पि. एस.**राज्य : आंध्र प्रदेश
जिला : पूर्व गोदावरीमंडल : आलमूरू
गांव : पेदपल्ला

1	2	3	4	5	6	7
पेदपल्ला	125/1C1	0	02	0	0	05
	119/1A2	0	01	5	0	04
	1/A3	0	01	0	0	02
	119/1B2	0	07	5	0	18
	1B3	0	03	5	0	09
	1B4	0	04	0	0	10
	120/1A2	0	05	5	0	14
	1B1	0	01	0	0	03
	1C2	0	08	0	0	20
	104/3B	0	13	0	0	32
	103/3B	0	14	0	0	35
	102/3A2	0	04	5	0	11
	3B2	0	02	0	0	05
	34A2	0	03	0	0	07
	4C1	0	02	5	0	06
	4B2	0	03	5	0	09
	100/2	0	23	5	0	59
	77/2A2	0	05	5	0	13
	2B2	0	07	0	0	17
	79/1A2	0	07	5	0	19
	1B2	0	11	5	0	29
	2B	0	05	5	0	14
	3A1	0	00	5	0	01
	80/2B	0	07	0	0	17
	9B	0	09	5	0	24
	3A1	0	01	5	0	04

1	2	3	4	5	6	7
पेदपल्ला	8B	0	05	5	0	13
	10B	0	00	5	0	01
	84/4C2	0	00	5	0	01
	4D2	0	18	0	0	45
	83/1B	0	08	5	0	21
	1C	0	05	0	0	12
	1D	0	02	0	0	05
	2B	0	12	5	0	31
	27/2A1	0	05	0	0	12
	2A2	0	06	5	0	16
	3A3A	0	01	5	0	02
	1B	0	05	5	0	14
	30/2A2	0	09	5	0	23
	2B2	0	08	0	0	20
	2C2	0	07	5	0	18
	1B	0	03	5	0	09
	125/1B1	0	01	0	0	03
	1B2	0	01	5	0	04
		2	57	0	6	35

[सं. ओ.-12016/1(3)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2608.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2739 dated 14-10-97 under Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

ROU FLOW LINE FROM MANDAPETA-3 D.S. TO
MANDAPETA EPS

State : Andhra Pradesh District : East Godavari Mandal :
Alamuru

Village	Area					
	Survey number	Hect-ares	Ares	Cen-tiares	Ac-res	Cents
1	2	3	4	5	6	7
PEDAPALLA	125/1C1	0	02	0	0	05
	119/1A2	0	01	5	0	04
	1/A3	0	01	0	0	02
	119/1B2	0	07	5	0	18
	1B3	0	03	5	0	09
	1B4	0	04	0	0	10
	120/1A2	0	05	5	0	14
	1B1	0	01	0	0	03
	1C2	0	08	0	0	20
	104/3B	0	13	0	0	32
	103/3B	0	14	0	0	35
	102/3A2	0	04	5	0	11
	3B2	0	02	0	0	05
	34A2	0	03	0	0	07
	4C1	0	02	5	0	06
	4B2	0	03	5	0	09
	100/2	0	23	5	0	59
	77/2A2	0	05	5	0	13
	2B2	0	07	0	0	17
	79/1A2	0	07	5	0	19
	1B2	0	11	5	0	29
	2B	0	05	5	0	14
	3A1	0	00	5	0	01
	80/2B	0	07	0	0	17
	9B	0	09	5	0	24
	3A1	0	01	5	0	04
	8B	0	05	5	0	13
	10B	0	00	5	0	01
	84/4C2	0	00	5	0	01
	4D2	0	18	0	0	45
	83/1B	0	08	5	0	21
	1C	0	05	0	0	12
	1D	0	02	0	0	05
	2B	0	12	5	0	31
	27/2A1	0	05	0	0	12
	2A2	0	06	5	0	16
	3A3A	0	01	5	0	02

1	2	3	4	5	6	7
	1B	0	05	5	0	14
	30/2A2	0	09	5	0	23
	2B2	0	08	0	0	20
	2C2	0	07	5	0	18
	1B	0	03	5	0	09
	125/1B1	0	01	0	0	03
	1B2	0	01	05	0	04
		2	57	0	6	35

[No. O-12016/1(3)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2609.—यतः अब पेट्रोलियम और खनिज पाईप लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2732 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर.ओ.यू. पाइप लाईन : आई.पी.एस.-3 से जी.सी.एस. नगरम
स्टेट : आंध्र प्रदेश मंडल : मामिडिकुदुरु
जिला : पूरब गोदावरी

नगरम	169/2	0	03	5	0	09
	169/3	0	06	0	0	15

1	2	3	4	5	6	7
	169/4	0	11	0	0	27
	169/5	0	13	0	0	32
	181/1B	0	03	0	0	07
	181/1C	0	10	5	0	26
	181/1D	0	07	5	0	19
	181/2B	0	07	5	0	19
	240/2	0	05	5	0	14
	240/3	0	03	5	0	09
	243/1A2	0	03	0	0	07
	243/1B2	0	04	0	0	10
	2B1	0	04	0	0	10
	232/12B	0	01	5	0	04
	15A1	0	00	5	0	01
	13B	0	04	0	0	10
	15A2	0	03	5	0	09
	233/14B	0	02	0	0	05
	15A3	0	03	5	0	09
	242/2A2	0	05	0	0	12
	242/2A3	0	02	0	0	05
	242/2A4	0	02	0	0	05
	242/2A5	0	03	0	0	08
	233/2	0	12	0	0	30
	229/1A	0	04	0	0	10
	236/B2	0	28	5	0	70
	236/B3	0	05	0	0	12
	236/B4	0	10	0	0	25
	144/2	0	03	0	0	07
	239/2	0	02	5	0	06
	146/4B	0	02	5	0	06
	224/2	0	02	5	0	06
	145/5B	0	13	0	0	32
	145/5C	0	06	5	0	16
	145/1B	0	00	5	0	01
		1	99	0	4	93

[सं. ओ.-12016/1(4)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2609.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2732 dated 14-10-97 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation limited free from encumbrances.

SCHEDULE

ROU FLOW LINE FROM I.P.S. 3 TO GCS NAGARAM

State : Andhra Pradesh Mandal : Mamidikuduru

District : East Godavari

Village	Area					
	Survey number	Hect-ares	Ares	Centiares	Acres	Cents
1	2	3	4	5	6	7
NAGARAM	169/2	0	03	5	0	09
	169/3	0	06	0	0	15
	169/4	0	11	0	0	27
	169/5	0	13	0	0	32
	181/1B	0	03	0	0	07
	181/1C	0	10	5	0	26
	181/1D	0	07	5	0	19
	181/2B	0	07	5	0	19
	240/2	0	05	5	0	14
	240/3	0	03	5	0	09
	243/1A2	0	03	0	0	07
	243/1B2	0	04	0	0	10
	2B1	0	04	0	0	10
	232/12B	0	01	5	0	04
	15A1	0	00	5	0	01
	13B	0	04	0	0	10
	15A2	0	03	5	0	09
	233/14B	0	02	0	0	05
	15A3	0	03	5	0	09

1	2	3	4	5	6	7
	242/2A2	0	05	0	0	12
	242/2A3	0	02	0	0	05
	242/2A4	0	02	0	0	05
	242/2A5	0	03	0	0	08
	233/2	0	12	0	0	30
	229/1A	0	04	0	0	10
	236/B2	0	28	5	0	70
	236/B3	0	05	0	0	12
	236/B4	0	10	0	0	25
	144/2	0	03	0	0	07
	239/2	0	02	5	0	06
	146/4B	0	02	5	0	06
	224/2	0	02	5	0	06
	145/5B	0	13	0	0	32
	145/5C	0	06	5	0	16
	145/1B	0	00	5	0	01
		1	99	0	4	93

[No O-12016/1(4)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का. आ. 2610.—यतः अब पेट्रोलियम और खनिज पाइप लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2734 तारीख 14-10-98 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यु पाईपलाइन : पासर्लपूडि-11 से पासर्लपूडि।

राज्य : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
पासर्लपूडि	241/204	0	08	0	0	20
		0	08	0	0	20

[सं. ओ.-12016/1(5)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2610.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2734 dated 14-10-97 under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation limited free from encumbrances.

SCHEDULE

ROU FLOW LINE FROM PASARLAPUDI-11 TO PASARLAPUDI-10

State : Andhra Pradesh Mandal : Mamidikuduru
District : East Godavari

Village	survey number	Area				
		Hect-areas	Ares	Cen-tiares	Ac-Cents	
1	2	3	4	5	6	7
PASARLAPUDI	241/204	0	08	0	0	20
		0	08	0	0	20

[No. O-12016/1(5)/2000-ONG/D-IV]

H S RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का. आ. 2611.—अतः अब पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 2749 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यु पाईपलाइन : पासर्लपूडि-13 से पासर्लपूडि 10

स्टेट : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
पासर्लपूडि	310/1B	0	01	0	0	02
	315/5B	0	01	0	0	2
	3101/C2	0	04	0	0	10
	315/4B	0	04	0	0	10
	317/2B	0	14	0	0	35
	318/1B	0	02	5	0	06
	327/2	0	05	0	0	12
	317/1B	0	03	0	0	07
	309/2	0	01	5	0	04
	320/2	0	01	0	0	03
		0	37	0	0	91

[सं. ओ.-12016/1(6)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

नई दिल्ली, 9 नवम्बर, 2000

S.O. 2611.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 2749 dated 14--10-97 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation limited free from encumbrances.

SCHEDULE

ROU FLOW LINE FROM PASARLAPUDI-13 TO PASARLAPUDI-10

State : Andhra Pradesh Mandal : Mamidikuduru
District : East Godavari

Village	Survey number	Area				
		Hect-areas	Ares	Cen-tiares	Ac-res	Cents
1	2	3	4	5	6	7
PASARLAPUDI	310/1B	0	01	0	0	02
	315/5B	0	01	0	0	2
	3101/C2	0	04	0	0	10
	315/4B	0	04	0	0	10
	317/2B	0	14	0	0	35
	318/1B	0	02	5	0	06
	327/2	0	05	0	0	12
	317/1B	0	03	0	0	07
	309/2	0	01	5	0	04
	320/2	0	01	0	0	03
		0	37	0	0	91

[No O-12016/1(6)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

का.आ. 2612.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 2747 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यु पाइपलाईन : पासर्लपूडि-12 से पासर्लपूडि-10

राज्य : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
पासर्लपूडि	322/2	0	18	0	0	44
	327/2	0	37	5	0	94
	331/2	0	11	0	0	27
	332/1B	0	04	5	0	11
	332/2B	0	06	0	0	15
	333/1B	0	09	5	0	23
	334/1A2	0	05	5	0	13
	334/2A2	0	04	0	0	10
	334/2B2	0	08	0	0	20
	329	0	02	0	0	05
	330	0	01	0	0	02
		1	07	0	2	62

[सं. ओ.-12016/1(7)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2612.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, No S.O. 2747 dated 14-10-1997 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government..

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from on encumbrances.

SCHEDULE

ROU Pipeline From Pasarlapudi-12 to Pasarlapudi-10

State : Andhra Pradesh Mandal : Mamidikuduru
District East Godavari

Village	Survey number	Hect ares	Ares	Centi anery	Cents
1	2	3	4	5	6
Pasarlapudi	322/2	0	18	0	0
	327/2	0	37	5	0
	331/2	0	11	0	0
	332/1B	0	04	5	0
	332/2B	0	06	0	0
	333/1B	0	09	5	0
	334/1A2	0	05	5	0
	334/2A2	0	04	0	0
	334/2B2	0	08	0	0
	329	0	02	0	0
	330	0	01	0	0
		1	07	0	2
					64

[No. O-12016/1(7)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2613.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2742 तारीख 14-10-1997 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू पाइपलाइन : मंडपेटा-11 से मंडपेटा इ.पि.एस

राज्य : आंध्र प्रदेश मंडल : कपिलेश्वरपुरम
जिला : पूर्व गोदावरी

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्ट्स
1	2	3	4	5
अंगरा	184/1B	0	28	0
	175/2	0	27	5
	174/12B	0	12	0
	174/6B	0	05	0
	158/1B	0	04	5
	158/2B	0	12	0
	158/3A	0	01	0
	158/7B	0	01	0
	158/8B	0	04	0
	159/3B	0	07	0
	159/4B	0	04	5
	159/5A	0	03	5
	159/6A	0	00	5
	137/2B	0	06	5

1	2	3	4	5	6	7	1	2	3	4	5	6	7
अंगरा (जारी)	137/3B	0	08	0	0	20	अंगरा (जारी)	70/1A3	0	01	0	0	02
	138/3B	0	03	5	0	09		79/11B	0	04	5	0	11
	138/4A	0	00	5	0	01		79/12B	0	04	0	0	10
	138/5A	0	01	5	0	04		17B	0	00	5	0	01
	6B	0	06	5	0	16		80/7A	0	00	5	0	01
	7B	0	01	0	0	02		80/7B	0	02	5	0	06
	8B	0	02	0	0	05		80/7D	0	09	0	0	22
	110/3	0	04	0	0	10		47/2B	0	05	0	0	13
2	0	02	5	0	06			47/3B	0	02	0	0	05
4	0	06	0	0	15			47/5A	0	01	05	0	04
109/2	0	21	5	0	53			47/6B	0	05	0	0	12
108/2	0	04	0	0	10			47/7B	0	00	5	0	01
118/2	0	08	0	0	20			78/4B	0	05	5	0	13
101/2B	0	16	5	0	41			78/5B	0	01	0	0	02
70/3B2	0	01	0	0	03			83/1B	0	05	0	0	12
70/3C2	0	00	5	0	01			83/6B	0	06	0	0	15
70/3D2	0	00	5	0	01			83/7B	0	04	0	0	10
70/3E2	0	00	5	0	01			47/2B	0	09	0	0	07
70/3F2	0	00	5	0	01			83/8B	0	09	0	0	22
68/2	0	02	0	0	05				3	77	0	9	32
74/1B	0	06	5	0	16		पिनपल्ला	168/7A2	0	04	0	0	10
74/1C	0	05	5	0	14			168/6B	0	03	5	0	09
74/3A	0	04	0	0	10			168/7B2	0	01	0	0	02
74/4B	0	18	0	0	44			167/2	0	03	0	0	07
79/9B	0	01	0	0	03			163/1A2	0	04	0	0	10
79/10B2	0	03	5	0	09			163/5B	0	04	5	0	11
99/2	0	03	5	0	09			163/2B	0	11	5	0	29
69/10	0	02	5	0	06			162/1B	0	03	5	0	09
100/1B	0	11	5	0	29			162/1C	0	04	0	0	10
100/3B	0	12	5	0	31			162/1D	0	03	5	0	09
99/3	0	12	5	0	09			161/2	0	02	0	0	05
99/4	0	06	5	0	16			159/2E	0	02	5	0	06
69/2	0	06	0	0	15			161/3	0	10	5	0	26
69/8	0	04	0	0	10			160/2	0	03	0	9	07
69/3	0	03	0	0	08			97/2D	0	07	5	0	18
69/5	0	02	5	0	06			161/4	0	04	5	0	11
69/6	0	01	0	0	03			161/5	0	04	5	0	11
70/3A2	0	02	0	0	05			159/2B	0	05	0	0	12
69/7	0	01	0	0	03			159/2C	0	00	5	0	01
70/1A2	0	02	0	0	05								

1	2	3	4	5	6	7
पिनपल्ला (जारी)	159/2D	0	00	0	0	46
	141/2B	0	07	0	0	27
	141/3B	0	04	0	0	10
	141/5B	0	12	0	0	30
	142/3B	0	09	0	0	22
	94/3A2	0	06	0	0	15
	143/2	0	08	0	0	20
	143/3	0	16	0	0	40
	144/3B	0	06	5	0	16
	144/4B	0	02	0	0	05
	107/1B	0	05	0	0	12
	106/1B	0	04	5	0	11
	97/4B2	0	08	0	0	20
	107/1C	0	12	0	0	30
	107/2B	0	03	0	0	08
	94/1B	0	03	0	0	08
	94/3B2	0	02	5	0	06
	94/8B	0	03	0	0	07
	94/9C2	0	03	0	0	07
	94/10B1	0	03	0	0	07
	95/3A	0	00	5	0	01
	95/3A	0	10	0	0	25
	97/2E	0	03	0	0	08
		2	36	759	5	84
	93/2	0	03	5	0	09
	99/1B	0	09	5	0	23
	99/1C	0	01	5	0	04
	96/2B	0	04	0	0	10
	69/11B	0	00	5	0	01
	69/132	0	03	0	0	07
	69/2A2	0	01	0	0	03
	69/2B2	0	02	0	0	05
	70/1B	0	06	0	0	15
	72/6A2	0	07	0	0	17
	70/7A2	0	06	0	0	15
	70/3B1	0	01	0	0	03
	70/3C2	0	07	0	0	17
	72/4A	0	03	0	0	07
	66/3B	0	04	5	0	01
	66/1B	0	05	0	0	12

1	2	3	4	5	6	7
	66/2B	0	04	0	0	11
	66/4B	0	03	0	0	07
	66/9B	0	08	5	0	20
	57/3B	0	06	0	0	16
	57/3B	0	09	0	0	20
	58/3A2	0	16	0	0	39
	58/3B2	0	03	5	0	09
	60/1	0	01	5	0	04
	59/1A	0	00	5	0	01
	59/1B	0	04	0	0	10
	59/1C	0	06	5	0	16
	59/3B	0	07	0	0	17
	28/4B	0	04	0	0	10
	28/4C	0	01	0	0	03
	28/5B	0	05	5	0	14
	27/2A1B2	0	04	0	0	10
	27/2A2B2	0	0	08	5	21
	27/4A2	0	03	0	0	07
	27/4B1	0	02	5	0	06
		1	44	0	3	65

[सं. ओ.-12016/1(8)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2613.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2742 dated 14--10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now, therefore in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

Mandapeta-II to E.P.S. Mandapeta

State : Andhra Pradesh

Mandal : Kapileswa-

District: East Godavari

rapuram

Village	Survey number	Hect ares	Ares	Centi ares	Aeres	Cents
1	2	3	4	5	6	7
Angara	184/1B	0	28	0	0	69
	175/2	0	27	5	0	68
	174/12B	0	12	0	0	30
	174/6B	0	05	0	0	12
	158/1B	0	04	5	0	11
	158/2B	0	12	0	0	30
	158/3A	0	01	0	0	02
	158/7B	0	01	0	0	02
	158/8B	0	04	0	0	10
	159/3B	0	07	0	0	17
	159/4B	0	04	5	0	11
	159/5A	0	03	5	0	09
	159/6A	0	00	5	0	01
	137/2B	0	06	5	0	16
	137/3B	0	08	0	0	20
	138/3B	0	03	5	0	09
	138/4A	0	00	5	0	01
	138/5A	0	01	5	0	04
	6B	0	06	5	0	16
	7B	0	01	0	0	02
	8B	0	02	0	0	05
	110/3	0	04	0	0	10
	2	0	02	5	0	06
	4	0	06	0	0	15
	109/2	0	21	5	0	53
	108/2	0	04	0	0	10
	118/2	0	08	0	0	20
	101/2B	0	16	5	0	41
	70/3B2	0	01	0	0	03

1	2	3	4	5	6	7
	70/3C2	0	00	5	0	01
	70/3D2	0	00	5	0	01
	70/3E2	0	00	5	0	01
	70/3F2	0	00	5	0	01
	68/2	0	02	0	0	05
	74/1B	0	06	5	0	16
	74/1C	0	05	5	0	14
	74/3A	0	04	0	0	10
	74/4B	0	18	0	0	44
	79/9B	0	01	0	0	03
	79/10B2	0	03	5	0	09
	99/2	0	03	5	0	09
	69/10	0	02	5	0	06
	100/1B	0	11	5	0	29
	100/3B	0	12	5	0	31
	99/3	0	12	5	0	09
	99/4	0	06	5	0	16
	69/2	0	06	0	0	15
	69/8	0	04	0	0	10
	69/3	0	03	0	0	08
	69/5	0	02	5	0	06
	69/6	0	01	0	0	03
	70/3A2	0	02	0	0	05
	69/7	0	01	0	0	03
	70/1A2	0	02	0	0	05
	70/1A3	0	01	0	0	02
	79/11B	0	04	5	0	11
	79/12B	0	04	0	0	10
	17B	0	00	5	0	01
	80/7A	0	00	5	0	01
	80/7B	0	02	5	0	06
	80/7D	0	09	0	0	22
	47/2B	0	05	0	0	13
	47/3B	0	02	0	0	05
	47/5A	0	01	5	0	04
	47/6B	0	05	0	0	12
	47/7B	0	00	5	0	01
	78/4B	0	05	5	0	13
	78/5B	0	01	0	0	02
	83/1B	0	05	0	0	12
	83/6B	0	06	0	0	15
	83/7B	0	04	0	0	10
	47/2B	0	04	0	0	07
	83/8B	0	09	0	0	22
	3	77	0	9	32	

1	2	3	4	5	6	7
Pinapalla	168/7A2	0	04	0	0	10
	168/6B	0	03	5	0	09
	168/7B2	0	01	0	0	02
	167/2	0	03	0	0	07
	163/1A2	0	04	0	0	10
	163/5B	0	04	5	0	11
	163/2B	0	11	5	0	29
	162/1B	0	03	5	0	09
	162/1C	0	04	0	0	10
	162/1D	0	03	5	0	09
	161/2	0	02	0	0	05
	159/2E	0	02	5	0	06
	161/3	0	10	5	0	26
	160/2	0	03	0	9	07
	97/2D	0	07	5	0	18
	161/4	0	04	5	0	11
	161/5	90	04	5	0	11
	159/2B	0	05	0	0	12
	159/2C	0	00	5	0	01
	159/2D	0	00	0	0	46
	141/2B	0	07	0	0	27
	141/3B	0	04	0	0	10
	141/5B	0	12	0	0	30
	142/3B	0	09	0	0	22
	94/3A2	0	06	0	0	15
	143/2	0	08	0	0	20
	143/3	0	16	0	0	40
	144/3B	0	06	5	0	16
	144/4B	0	02	0	0	05
	107/1B	0	05	0	0	12
	106/1B	0	04	5	0	11
	97/4B2	0	08	0	0	20
	107/1C	0	12	0	0	30
	107/2B	0	03	0	0	08
	94/1B	0	03	0	0	08
	94/3B2	0	02	5	0	06
	94/8B	0	03	0	0	07
	94/9C2	0	03	0	0	07
	94/10B1	0	03	0	0	07
	95/3A	0	00	5	0	01
	95/3A	0	10	0	0	25
	97/2E	0	03	0	0	08
		2	36	75	9/5	84

1	2	3	4	5	6	7
Pinapalla	93/2	0	03	5	0	09
	99/1B	0	09	5	0	23
	99/1C	0	01	5	0	04
	96/2B	0	04	0	0	10
	69/11B	0	00	05	0	01
	69/132	0	03	0	0	07
	69/2A2	0	01	0	0	03
	69/2B2	0	02	0	0	05
	70/1B	0	06	0	0	15
	72/6A2	0	07	0	0	17
	70/7A2	0	06	0	0	15
	70/3B1	0	01	0	0	03
	70/3C2	0	07	0	0	17
	72/4A	0	03	0	0	07
	66/3B	0	04	05	0	01
	66/1B	0	05	0	0	12
	66/2B	0	04	0	0	11
	66/4B	0	03	0	0	07
	66/9B	0	08	5	0	20
	57/3B	0	06	0	0	16
	57/3B	0	09	0	0	20
	58/3A2	0	16	0	0	39
	58/3B2	0	03	5	0	09
	60/1	0	01	5	0	04
	59/1A	0	00	5	0	01
	59/1B	0	04	0	0	10
	59/1C	0	06	5	0	16
	59/3B	0	07	0	0	17
	28/4B	0	04	0	0	10
	28/4C	0	01	0	0	03
	28/5B	0	05	5	0	14
	27/2A1B2	0	04	0	0	10
	27/2A2B2	0	08	5	0	21
	27/4A2	0	03	0	0	07
	27/4B1	0	02	5	0	06
		1	44	0	3	65

[No. O-12016/1(8)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2614.—यतः पेट्रोलियम और खनिज पाईप लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 2740 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ. यु. पाईप लाईन ऐ.टि.पि-1 से जी. सि. एस. नगरम्.

राज्य : आंध्र प्रदेश, जिला : पूर्व गोदावरी, मंडल : मामिडिकुदुर गाँव

1	2	3	4	5	6	7
नगरम्	379/1A2	0	03	0	0	08
	379/2A1	0	01	5	0	04
	379/1B2	0	00	5	0	01
	379/1E2	0	01	0	0	02
	379/1C1	0	01	0	0	03
	379/3A	0	00	5	0	01
	302/1B	0	02	5	0	06
	304/1B2	0	09	0	0	22
	303/2	0	02	5	0	06
	312/1A1B	0	15	0	0	37
	310/1B	0	02	5	0	06
	309/1C	0	18	5	0	46
	312/1A1C	0	08	5	0	21
	312/1A1E	0	37	5	0	92

1	2	3	4	5	6	7
नगरम्	312/1A1G	0	05	0	0	20
	307/5B	0	04	5	0	11
	335/1A2	0	08	0	0	20
	336/1B	0	03	5	0	09
	310/1C	0	03	0	0	07
	310/1D	0	06	0	0	15
	312/1A1F	0	08	0	0	20
	309/1B	0	05	5	0	13
	329/PT	0	02	5	0	06
	330/2B	0	10	0	0	26
	341/1B	0	15	0	0	40
	341/2B	0	16	0	0	39
	340/1A2	0	00	5	0	01
	335/1B2	0	02	0	0	05
	335/2C1	0	01	0	0	02
	335/6B	0	01	0	0	02
	335/7A2	0	02	0	0	05
	335/8B	0	02	02	0	05
	335/8D	0	01	0	0	03
	335/9B	0	05	0	0	12
	339/2B	0	05	0	0	12
	106/4B	0	01	0	0	02
	108/7A	0	01	0	0	02
	106/5B	0	04	0	0	10
	108/6B	0	05	0	0	12
	108/6D	0	01	0	0	03
	339/2C	0	01	0	0	02
	107/4B	0	10	0	0	25
	107/5A	0	01	0	0	02
	114/3B2	0	04	0	0	10
	114/2A2	0	04	0	0	10
	116/2	0	01	5	0	04
	115/1B	0	05	5	0	14
	114/1A1	0	03	0	0	08
	114/1B2	0	12	0	0	32
	112/10B	0	09	5	0	25
	155/1B	0	01	0	0	02
	155/2B	0	02	5	0	06
	2	79	0	6	89	

[सं. ओ.-12016/1(9)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2614.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2740 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further Whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

ROUFlow line from I.T.P.—1 to G.C.S. Nagaram
State : Andhra Pradesh Mandal : Mamidikuduru
District : East Godavari

Village	Survey number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Nagaram	379/1A2	0	03	0	0	08
	379/2A1	0	01	5	0	04
	379/1B2	0	00	5	0	01
	379/1E2	0	01	0	0	02
	379/1C1	0	01	0	0	03
	379/3A	0	00	5	0	01
	302/1B	0	02	5	0	06
	304/1B2	0	09	0	0	22
	303/2	0	02	5	0	06
	312/1A1B	0	15	0	0	37
	310/1B	0	02	5	0	06
	309/1C	0	18	5	0	46
	312/1A1C	0	08	5	0	21
	312/1A1E	0	37	5	0	92
	312/1A1G	0	05	0	0	20

1	2	3	4	5	6	7
Nagaram	307/5B	0	04	0	0	11
	335/1A2	0	08	5	0	20
	336/1B	0	03	5	0	09
	310/1C	0	03	0	0	07
	310/1D	0	06	0	0	15
	312/1A1F	0	08	0	0	20
	309/1B	0	05	5	0	13
	329/PT	0	02	5	0	26
	330/2B	0	10	0	0	26
	341/1B	0	15	0	0	40
	341/2B	0	16	0	0	39
	340/1A2	0	00	5	0	01
	335/1B2	0	02	0	0	05
	335/2C1	0	01	0	0	02
	335/6B	0	01	0	0	02
	335/7A2	0	02	0	0	05
	335/8B	0	02	02	0	05
	335/8D	0	01	0	0	05
	335/9B	0	05	0	0	12
	339/2B	0	05	0	0	12
	106/4B	0	01	0	0	02
	108/7A	0	01	0	0	02
	106/5B	0	04	0	0	10
	108/6B	0	05	0	0	12
	108/6D	0	01	0	0	03
	339/2C	0	01	0	0	02
	104/4B	0	10	0	0	25
	107/5A	0	01	0	0	02
	114/3B2	0	04	0	0	10
	114/2A2	0	04	0	0	10
	116/2	0	01	5	0	04
	115/1B	0	05	5	0	14
	114/1A1	0	03	0	0	08
	114/1B2	0	12	0	0	32
	112/10B	0	09	5	0	25
	155/1B	0	01	0	0	02
	155/2B	0	02	5	0	06
2		79	0	6	89	

[No. O-12016/1(9)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2615.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2746 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यु. पाइप लाइन : पासर्लपूडि-8 से पासर्लपूडि-9

राज्य : आंध्र प्रदेश

मंडल : अल्लवरम

जिला : पूर्व गोदावरी

गांव : बोडसकुरु

गांव	सर्वे नं.	हेक्ट. ऐरी.	सेन्टी. एकड़	सेन्ट.		
1	2	3	4	5	6	7
बोडसकुरु	188	0	04	5	0	11
	165/1B2	0	10	5	0	26
	165/1B3	0	01	0	0	02
	165/1C1B0		11	0	0	27
	165/1E	0	02	5	0	06
	164/3H	0	07	5	0	18
	PART					
	164/3G2	0	01	5	0	04
	149/1F2	0	02	0	0	05
	149/1C1	0	02	0	0	05
	158/3	0	09	0	0	22
	Part					
	156/2	0	06	0	0	15
	156/3	0	02	5	0	06
	Part					
	155/1D	0	25	5	0	63
	155/4B	0	12	5	0	31

1	2	3	4	5	6	7
	149/1A	0	05	0	0	12
	5B2	0	05	5	0	13
	4A2	0	04	5	0	11
	189/5B	0	03	0	0	08
	287/1C	0	10	5	0	26
	189/7A2	0	08	0	0	26
	7B2	0	11	5	0	28
	173/1B	0	12	5	0	31
	189/8A2	0	01	0	0	03
	271/1B	0	08	0	0	20
	271/2B	0	09	5	0	23
	173/2B	0	06	0	0	15
	272/2 Part0		19	5	0	48
	282/2B	0	03	0	0	08
	282/3A2	0	04	0	0	10
	282/3B2	0	05	5	0	14
	289/2	0	14	0	0	35
	288/AA2	0	05	0	0	12
	2B	0	08	5	0	21
	287/1B	0	04	0	0	10
	286/2D2	0	03	5	0	09
	119/2B	0	05	5	0	12
	286/2B	0	03	5	0	09
	286/2B2	0	02	5	0	06
	120/1B	0	04	5	0	11
	3B	0	03	0	0	08
	120/2	0	04	0	0	10
	119/1B	0	02	0	0	05
	119/3B	0	03	0	0	07
	119/1C	0	05	5	0	13
	117/9B2	0	01	5	0	04
	302/1A	0	02	5	0	06
	296/5B	0	05	5	0	13
	296/8B	0	03	0	0	08
	296/9B	0	03	0	0	08
	186/1A2	0	06	0	0	15
	186/2B2	0	02	5	0	06
	118/8B2	0	08	5	0	21
	9B	0	08	5	0	21
	281/	0	01	5	0	04
	148/0	0	01	0	0	02
	301	0	01	0	0	02
	154/	0	01	0	0	03
		3	29	0	8	23

[सं. ओ.-12016/1(10)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2615.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 2746 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

State : Andhra Pradesh Mandal : Allavaram

District : East Godavari

Village	Survey number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Bodasakurru	188	0	04	5	0	11
	165/1B2	0	10	5	0	26
	165/1B3	0	01	0	0	02
	165/1C1B0		11	0	0	27
	165/1E	0	02	5	0	06
	164/3H	0	07	5	0	18
	Part					
	164/3G2	0	01	5	0	04
	149/1F2	0	02	0	0	05
	149/1C1	0	02	0	0	05
	158/3	0	09	0	0	22
	Part					
	156/2	0	06	0	0	15
	156/3	0	02	5	0	06
	Part					
	155/1B	0	25	5	0	63
	155/4B	0	12	5	0	31
	149/1A	0	05	0	0	12

1	2	3	4	5	6	7
	5B2	0	05	5	0	13
	4A2	0	04	5	0	11
	189/5B	0	03	0	0	08
	287/1C	0	10	5	0	26
	189/7A2	0	08	0	0	20
	7B2	0	11	5	0	28
	173/1B	0	12	5	0	31
	189/8A2	0	01	0	0	03
	271/1B	0	08	0	0	20
	271/2B	0	09	5	0	23
	173/2B	0	06	0	0	15
	272/2	0	19	5	0	48
	Part					
	282/2B	0	03	0	0	08
	282/3A2	0	04	0	0	10
	282/3B2	0	05	5	0	14
	289/2	0	14	0	0	35
	288/AA2	0	05	0	0	12
	2B	0	08	5	0	21
	287/1B	0	04	0	0	10
	286/2D2	0	03	5	0	09
	119/2B	0	05	5	0	12
	286/2B	0	03	5	0	09
	286/2B2	0	02	5	0	06
	120/1B	0	04	5	0	11
	3B	0	03	0	0	08
	120/2	0	04	0	0	10
	119/1B	0	02	0	0	05
	119/3B	0	03	0	0	07
	119/1C	0	05	5	0	13
	117/9B2	0	01	5	0	04
	302/1A	0	02	5	0	06
	296/5B	0	05	5	0	13
	296/8B	0	03	0	0	08
	296/8B	0	03	0	0	08
	186/1A2	0	06	0	0	15
	186/2B2	0	02	5	0	06
	118/8B2	0	08	5	0	21
	9B	0	08	5	0	21
	281	0	01	5	0	04
	148	0	01	0	0	02
	301	0	01	0	0	02
	154	0	01	0	0	03
		3	29	0	8	23

[No O-12016/1(10)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

New Delhi, the 9th November, 2000

का.आ. 2616.—अतः अब पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2743 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू. पाइपलाइन : चिन्तालपल्ली-टी पोइन्ट-14 (मोरी से ताटिपाका जी.सी. पास)

राज्य : आंध्र प्रदेश		मंडल : रालोलु				
जिला : पूरब गोदावरी						
गांव	सर्वे नं.	हेक्ट.	ऐरी.	सेन्टी.	एकड़	से.
1	2	3	4	5	6	7
सिवकोडु	531/1pt	0	03	0	0	07½
	531/2pt	0	03	0	0	07½
	531/3pt	0	03	5	0	09
	531/4pt	0	03	5	0	09
	531/5pt	0	04	0	0	10
	530/pt	0	10	0	0	25
	527/pt	0	05	5	0	14
		0	31	15	0	82

[सं. ओ.-12016/1(11)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

S.O. 2616.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2743 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE

ROU flow line from Chintalapalli 'T' point of 1" N.B. Pipeline to 3 inches pipeline of Mori to Tatipaka Gas Pipeline

State : Andhra Pradesh		District : East Godavari				
Village	Survey number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
SIVAKODU	531/1pt	0	03	0	0	07½
	531/2pt	0	05	0	0	07½
	531/3pt	0	03	5	0	09
	531/4pt	0	03	5	0	09
	531/5pt	0	04	0	0	10
	530/pt	0	10	0	0	25
	527/pt	0	05	5	0	14
		0	31	15	0	82

[No. O-12016/1(11)/2000-ONG/D-IV]

H S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2617.—यतः पेट्रोलियम और खनिज पाईप लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2744 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू. पाइपलाइन : लिंगाला-6 से लिंगाला-3

राज्य : आंध्र प्रदेश

मंडल : मुदिनेपल्ली

जिला : कृष्णा

गांव	सर्वे नं.	एकड़	आर्स.	सेन्टी.	एकड़	सेन्ट्स
1	2	3	4	5	6	7
लिंगाला	260/4A2	0	40	0	0	99
	4B2					
	5A2					
	5C2					
	6/2, 7/2					
	8/2	0	02	5	0	06
	259					
		0	42	5	1	05
चिनकामनपूडि	7/1D2	0	20	0	0	49
	7/1D2	0	31	0	0	77
	1C2, 2B2					
	3A2, 3B2					
	73B2	0	08	5	0	21
	10	0	01	5	0	04
	12-2B	0	17	5	0	43
	12-2B2	0	34	5	0	85
	24-2B					
		1	13	0	2	79

[सं. ओ.-12016/1(12)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2617.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 2744 dated 14-10-97 under sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Lands) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of users in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

ROU flow line from Lingala-6 to Lingala-3 14" N.B.

State : Andhra Pradesh

Mandal : Mudinepali

District : Krishna

Village	Survey number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Lingala	260/4A2	0	40	0	0	99
	4B2					
	5A2					
	5C2					
	6/2, 7/2					
	8/2	0	02	5	0	06
	259					
		0	42	5	1	05
Chinakamana-pudi	7/1D2	0	20	0	0	49
	7/1D2	0	31	0	0	77
	1C2, 2B2					
	3A2, 3B2					
	73B2	0	08	5	0	21
	10	0	01	5	0	04
	12-2B	0	17	5	0	43
	12-2B2	0	34	5	0	85
	24-2B					
		1	13	0	2	79

[No. O-12016/1(12)/2000-ONG/D-IV]

H S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2618.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2738 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू पाईप लाइन : पासर्लपूडि-15 से पासर्लपूडि-1

राज्य : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

गांव	सर्वे नं.	हेक्ट. एकड़	सेन्टी. एकड़	सेन्ट्स	एकड़	सेन्ट्स
1	2	3	4	5	6	7
पासर्लपूडि लंका	9/3A2	0	06	5	0	-16
	9/3B2	0	04	0	0	10
	9/3B3	0	02	5	0	06
	10/1B	0	18	5	0	46
	7/7B, 6B	0	25	5	0	63
	4B, 3B					
	5/B	0	21	0	0	-52
	3/P	0	08	0	0	-20
		0	86	0	2	13
पासर्लपूडि	143/1B2	0	18	0	0	45
	143/2B	0	14	0	0	34
	142/1B1	0	06	0	0	15
	142/1B1	0	10	0	0	25
	1B5					

1	2	3	4	5	6	7
	142/1B3	0	05	5	0	13
	142/1B4	0	08	5	0	21
	142/1B5	0	05	5	0	18
	142/1B6	0	08	5	0	21
		0	76	0	1	87

[सं. ओ.-12016/1(13)/2000-ओ.एन.जी/डी.-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2618.—Where by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No 2738 dated 14-10-97 under Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub section (4) of the section, the Central Government directs that the right of use in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

ROU flow Line from Pasarlapudi-15 to Pasarlapudi-1

State : Andhra Pradesh

Mandal Mamidi-kuduru

District : E.G

Village	Survey Number	Hect-ares	Ares	Cen-tia-res	Acres	Cents
1	2	3	4	5	6	7
Pasarlapudi	9/3A2	0	06	5	0	-16
Lanka	9/3B2	0	04	0	0	10
	9/3B3	0	02	5	0	06

1	2	3	4	5	6	7
	10/1B	0	18	5	0	46
	7/7B,6B 4B,3B	0	25	5	0	63
	5/B	0	21	0	0	52
	3/P	0	08	0	0	-20
		0	86	0	2	13
Pasarlapudi	143/1B2	0	18	0	0	45
	143/2B	0	14	0	0	34
	142/1B1	0	06	0	0	15
	142/1B1 1B5	0	10	0	0	25
	142/1B3	0	05	5	0	13
	142/1B4	0	08	5	0	21
	142/1B5	0	05	5	0	18
	142/1B6	0	08	5	0	21
		0	76	0	1	87

[No. O-12016/1(13)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2619.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2751 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाईन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से गलत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर.ओ.यु पाइप लाइन : ताटिपाका-9 से ताटिपाका जी.सी.एस.

राज्य : आंध्र प्रदेश

मंडल : राजोलु

जिला : पूर्व गोदावरी

गांव	सर्वे नं.	हेक्ट.	एकड़	सेन्टी.	एकड़	सेन्ट्स
1	2	3	4	5	6	7
नगरम	92/1A	0	04	0	0	10
	92/2	0	16	0	0	40
	92/3	0	32	5	0	80
	92/4	0	07	5	0	18
	92/5	0	10	0	0	25
	92/6	0	02	0	0	05
	95/3B	0	05	5	0	13
	95/3C	0	10	5	0	26
	95/3D 1B2,1A2	0	20	0	0	49
	104/pt	0	03	0	0	07
	103/3A2 3B	0	17	0	0	42
	102/5B	0	15	0	0	37
	102/3B 2B	0	05	5	0	13
	102/1B	0	05	5	0	13
	102/2C	0	06	0	0	15
	102/1B	0	09	5	0	23
	109/pt	0	01	5	0	04
	110/2B	0	11	5	0	23
	110/2C	0	02	0	0	05
	110/2D 111/3B	0	11	0	0	27
	11/4C2 112/3A 3B,3C	0	08 13	5 0	0 0	21 32
	159/pt	0	04	0	0	10
	62/11B	0	16	0	0	40
	62/11C	0	06	0	0	15
	61/pt	0	04	5	0	11
	164/2	0	04	0	0	10
	163/3	0	04	0	0	10
	164/4	0	03	5	0	09
	164/5	0	04	0	0	10
	164/6	0	12	0	0	30
	165/7B	0	10	0	0	25

1	2	3	4	5	6	7
नगरम (जारी)	165/6B	0	07	5	0	19
	165/6C 6D	0	12	5	0	31
	165/E	0	04	0	0	10
		3	07	0	7	63
गेददाड	20/4B	0	06	5	0	16
	16/3B	0	19	0	0	47
	16/2B	0	10	0	0	25
	15/1B2	0	10	5	0	26
	14/3A3	0	20	0	0	49
	14/3A4	0	03	0	0	07
	14/1A2	0	01	0	0	03
	92/1	0	01	0	0	03
		0	71	0	1	76

[सं. ओ.-12016/1(14)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2619.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2751 dated 14-10-97 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas, the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further, whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now, therefore in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, Central Government directs that the right of usre in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE**ROU Flow Line From Tatipaka-9 to Tatipaka GCS**

State : Andhra Pradesh

Mandal : Razole

District: East Godavari

Village	Survey Number	Hect areas	Areas	Cen- ti-ares	Acres	Cents
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1	2	3	4	5	6	7
Nagaram	92/1A	0	04	0	0	10
	92/2	0	16	0	0	40
	92/3	0	32	5	0	80
	92/4	0	07	5	0	18
	92/5	0	10	0	0	25
	92/6	0	02	0	0	05
	95/3B	0	05	5	0	13
	95/3C	0	10	5	0	26
	95/3D					
	1B2, 1A2	0	20	0	0	49
	104/pt	0	03	0	0	07
	103/3A2					
	3B	0	17	0	0	42
	102/5B	0	15	0	0	37
	102/3B					
	2B	0	05	5	0	13
	102/1B	0	05	5	0	13
	102/2C	0	06	0	0	15
	102/1B	0	09	5	0	23
	109/pt	0	01	5	0	04
	110/2B	0	11	5	0	23
	110/2C	0	02	0	0	05
	1110/2D					
	111/3B	0	11	0	0	27
	111/4C2	0	08	5	0	21
	112/3A					
	3B, 3C	0	13	0	0	32
	159/pt	0	04	0	0	10
	62/11B	0	16	0	0	40
	62/11C	0	06	0	0	15
	61/pt	0	04	5	0	11
	164/2	0	04	0	0	10
	163/3	0	04	0	0	10
	164/4	0	03	5	0	09
	164/5	0	04	0	0	10

1	2	3	4	5	6	7
NAGARAM	164/6	0	12	0	0	30
(Contd.)	165/7B	0	10	0	0	25
	165/6B	0	07	5	0	19
	165/6C					
	6D	0	12	5	0	31
	165/6E	0	04	0	0	10
		3	07	0	7	63
GEDDADA	20/4B	0	06	5	0	16
	16/3B	0	19	0	0	47
	16/2B	0	10	0	0	25
	15/1B2	0	10	5	0	26
	14/3A3	0	20	0	0	49
	14/3A4	0	03	0	0	07
	14/1A2	0	01	0	0	03
	92/1	0	01	0	0	03
		0	71	0	1	76

[No. O-12018/1(14)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2620.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2736 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय ऑयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से गलत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर.ओ.यु पाइप लाइन : ताटिपाक-11 से ताटिपाक जी.सी.एस.

राज्य : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
नगरम	352/1B1	0	07	5	0	19
	351/1B	0	09	0	0	22
	351/2B	0	01	5	0	04
	352/1B5	0	06	0	0	15
	352/1B2	0	08	0	0	20
	352/1B4	0	05	0	0	14
	352/1B3	0	05	0	0	12
	327/2	0	05	5	0	13
	310/1B1	0	05	0	0	12
	310/1B2	0	06	0	0	15
	310/1B3	0	05	5	0	13
	330/1A 2D	0	04	5	0	11
	330/1A 2E	0	00	5	0	02½
	330/2B1	0	03	0	0	07
	310/1B4	0	15	0	0	37
	310/1E	0	06	0	0	15
	309/1B2	0	05	0	0	12
	309/1B1	0	02	5	0	06
	309/1E	0	10	0	0	25
	309/2B	0	08	0	0	20
	329/2	0	04	0	0	10
	335/22B2	0	00	5	0	02½
	335/3B2	0	05	5	0	12½
	330/1A 1A	0	08	0	0	20
	330/2B/2E	0	02	5	0	06
	330/1A/2B	0	07	5	0	18
	330/1A/2C	0	07	5	0	18
	335/7B2	0	03	5	0	08½
	330/2B3	0	20	0	0	49
	335/2A2	0	01	5	0	03½
	335/3A	0	02	0	0	04½
	336/3D2	0	00	5	0	01
	338/2B	0	01	0	0	03
	117/1B/ 2C	0	05	0	0	12
	335/3B3	0	04	0	0	15
	338/1B1	0	04	0	0	10
	338/1B2	0	04	0	0	06
	337/2	0	02	5	0	06
	117/1B2	0	01	0	0	02

1	2	3	4	5	6	7
नगरम	117/1B2/D	0	03	0	0	07
	117/1B2/D	0	05	0	0	12
	117/1C/2	0	11	5	0	29
	117/2B	0	05	5	0	13½
	114/1A/2A	0	15	0	0	37
	112/11B	0	03	0	0	07
	114/1A/2B	0	14	0	0	35
	114/4A/2	0	00	5	0	01
	114/4A1	0	03	0	0	08
		2	55	0	6	12½
गेददाडा	151/1B	0	18	0	0	44
	150/1B2	0	04	0	0	10
	150/2A1	0	03	0	0	08
	150/2A2	0	01	0	0	02
	150/42B	0	19	5	0	48
	150/4A/2A	0	14	0	0	34
	144/2A	0	13	0	0	32
	144/2B	0	03	0	0	07
		0	75	5	1	85

[सं. ओ.-12016/1(15)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2620.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S O 2736 dated 14-10-97 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification,

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting

in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE**Rou Flow Line From Tatipaka-11 to Tatipaka-GCS**

State : Andhra Pradesh

Mandal : Mamidikudura

District: East Godavari

1	2	3	4	5	6	7
Nagaram	352/1B1	0	07	5	0	19
	351/1B	0	09	0	0	22
	351/2B	0	01	5	0	04
	352/1B5	0	06	0	0	15
	352/1B2	0	08	0	0	20
	352/1B4	0	05	0	0	14
	352/1B3	0	05	0	0	12
	327/2	0	05	5	0	13
	310/1B1	0	05	0	0	12
	310/1B2	0	06	0	0	15
	310/1B3	0	05	5	0	13
	330/1A2D	0	04	5	0	11
	330/1A2E	0	00	5	0	02½
	330/2B1	0	03	0	0	07
	310/1B4	0	15	0	0	37
	310/1E	0	06	0	0	15
	309/1B2	0	05	0	0	12
	309/1B1	0	02	5	0	06
	309/1E	0	10	0	0	25
	309/2B	0	08	0	0	20
	329/2	0	04	0	0	10
	335/22B2	0	00	5	0	02½
	335/3B2	0	05	5	0	12½
	330/1A1A	0	08	0	0	20
	330/2B/2E	0	02	5	0	06
	330/1A/2B	0	07	5	0	18
	330/1A/2C	0	07	5	0	18
	335/7B2	0	03	5	0	08½
	330/2B3	0	20	0	0	49
	335/2A2	0	01	5	0	03½
	335/3A	0	02	0	0	04½
	336/3D2	0	00	5	0	01
	338/2B	0	01	0	0	03
	117/1B/2C	0	05	0	0	12
	335/3B3	0	04	0	0	15
	338/1B1	0	04	0	0	10
	338/1B2	0	04	0	0	06
	337/2	0	02	5	0	06
	117/1B2	0	01	0	0	02

1	2	3	4	5	6	7
Nagaram (Contd.)	117/1B2/D 0	03	0	0	0	07
	117/1B2/ D	0	05	0	0	12
	117/1C/ 2	0	11	5	0	29
	117/2B	0	05	5	0	13½
	114/1A/ 2A	0	15	0	0	37
	112/11B	0	03	0	0	07
	114/1A/ 2B	0	14	0	0	35
	114/4A/ 2	0	00	5	0	01
	114/4A1	0	03	0	0	08
		2	55	0	6	12½
GEDDADA	151/1B	0	18	0	0	44
	150/1B2	0	04	0	0	10
	150/2A1	0	03	0	0	08
	150/2A2	0	01	0	0	02
	150/42B	0	19	5	0	48
	150/4A/ 2A	0	14	0	0	34
	144/2A	0	13	0	0	32
	144/2B	0	03	0	0	07
		0	75	5	1	85

[No O-12016/1(15)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2621.—अतः अब पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2750 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर.ओ.यु पाईप लाइन : पासलंपूडि-17 से ताटिपाका
जी.सी.एस.

राज्य : आंध्र प्रदेश
जिला : पूर्व गोदावरी

मंडल : मामिडिकुदुरु

1	2	3	4	5	6	7
पासलंपूडि	171/2C, 1B	0	14	5	0	56
	285/1A2	0	06	0	0	15
	284/4B2	0	06	0	0	15
	279/4B2	0	12	0	0	30
	279/2C					
	243/6B	0	26	0	0	64
	243/4B, 5B					
	279/4B, 2B	0	20	5	0	51
	242/1	0	06	0	0	15
	242/2	0	10	5	0	26
	242/3	0	03	0	0	09
	242/4	0	18	0	0	44
	241/3B	0	04	5	0	11
	242/3C	0	08	5	0	21
	234/4B	0	06	5	0	16
	233/6B	0	05	5	0	14
	233/4B	0	10	0	0	25
	233/4C	0	09	5	0	23
	233/3A	9	07	0	0	17
	233/B	0	12	0	0	30
	165Pt	9	03	0	0	07
	164/18Pt	0	04	0	0	10
		1	79	0	4	99

1	2	3	4	5	6	7
गेददाड	166/2B	0	05	0	0	12
	172/1B	0	29	5	0	73
	171/2B	0	03	0	0	08
	170/2A2	0	08	0	0	20
पासलपूडि बाडवा	169/1B	0	06	5	0	16
	226/3B 2B	0	16	0	0	40
	226/1B	0	10	0	0	25
	184/3B	0	08	0	0	20
	183/1B	0	07	5	0	19
	185/2B	0	02	0	0	05
	185/2C	0	02	0	0	30
	185/2D	0	12	0	0	05
	185/1B2	0	03	0	0	07
		3	06	0	2	80

[सं. ओ.-12016/1(16)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2621.—Where as by notification of the Government of India in the Ministry of Petroleum & Natural Gas S O. No. 2750 dated 14-10-1997 under sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under Sub-section(1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE							
Rou Flow Line From Pasarlapudi-17 to Tadipaka GCS							
State : Andhra Pradesh			Mandal : Mamidikuduru				
District: EG District							
Village	Survey Number	Hect- ares	Ares	Cen tia- res	Acres	Cents	
1	2	3	4	5	6	7	
Pasarlapudi	171/2C, 1B	0	14	5	0	56	
	285/1A2	0	06	0	0	15	
	284/4B2	0	06	0	0	15	
	279/4B2	0	12	0	0	30	
	279/2C						
	243/6B	0	26	0	0	64	
	243/4B, 5B						
	279/4B, 2B		0	20	50	51	
	242/1	0	06	0	0	15	
	242/2	0	10	5	0	26	
	242/3	0	03	0	0	09	
	242/4	0	18	0	0	44	
	241/3B	0	04	5	0	11	
	242/3C	0	08	5	0	21	
	234/4B	0	06	5	0	16	
	233/6B	0	05	5	0	14	
	233/4B	0	10	0	0	25	
	233/4C	0	09	5	0	23	
	233/3A	9	07	0	0	17	
	233/B	0	12	0	0	30	
	165Pt	9	03	0	0	07	
	164/18Pt	0	04	0	0	10	
			1	79	0	4	99
	Pasarlapudi	166/2B	0	05	0	0	12
	Badava	172/1B	0	29	5	0	73
171/2B		0	03	0	0	08	
170/2A2		0	08	0	0	20	
169/1B		0	06	5	0	16	
226/3B, 2B		0	0	16	0	40	
226/1B		0	10	0	0	25	
184/3B		0	08	0	0	20	
183/1B		0	07	5	0	19	
185/2B		0	02	0	0	05	
185/2C		0	02	0	0	30	
185/2D		0	12	0	0	05	
185/1B2		0	03	0	0	07	
			3	06	0	2	80

[No. O-12016/1(16)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2622.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 2733 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित देने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर.ओ.यु पाईप लाइन : मोरी-8 से मोरी-4

राज्य : आंध्र प्रदेश

मंडल : सकिनेटिपाल्ली

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
मोरी	234/5B	0	15	0	0	37
	235/1B	0	07	5	0	19
	234/4B	0	05	0	0	12
	234/7B1	0	03	5	0	09
	234/7B2	0	02	0	0	05
	236/2F	0	04	5	0	11
	236/2E	0	02	5	0	06
	236/2D	0	03	5	0	09
	236/2B	0	03	0	0	08
	236/2A	0	07	5	0	19
	236/2C	0	06	0	0	15
	284/2	0	02	5	0	06
	283/1A1	0	07	5	0	18

1	2	3	4	5	6	7
	283/1A2	0	01	5	0	04
	248/2B1	0	11	5	0	28
	248/2B3	0	03	0	0	08
	248/1B	0	06	5	0	16½
	248/2B2	0	14	0	0	34
	248/3B	0	09	5	0	23
	249/3B	0	04	5	0	11
	249/10B	0	03	0	0	08
	249/2B	0	00	5	0	505
	249/11B	0	03	0	0	09
	249/12B	0	01	0	0	02½
	249/6A	0	03	0	0	08
	249/7B	0	03	5	0	08
	250/2B	0	02	5	0	06½
	250/3B	0	02	0	0	06
	250/8A	0	00	0	0	00½
	250/4B	0	02	5	0	05½
	250/5B	0	02	0	0	06
	250/6B	0	02	0	0	05
	250/7B	0	02	0	0	04½
	8B	0	00	5	0	00½
	253/1B2	0	14	0	0	35
	253/3B	0	14	0	0	35
	254/1B	0	12	5	0	31
	253/1B1	0	01	0	0	01½
	255/2	0	03	0	0	08
	256/1B	0	08	0	0	19½
	147/4B	0	03	0	0	08
	147/5B	0	05	5	0	14
	147/6B	0	09	5	0	23
	148/1	0	01	0	0	01½
	142/1A1	0	29	0	0	72
	138/7B	0	04	0	0	10
	150/2	0	33	0	0	81½
	149/2	0	07	0	0	17
	146/C2	0	01	0	0	02
	144/11B2	0	08	5	0	21
	144/11B1	0	06	0	0	15
	144/8B3	0	01	0	0	02½
	9B	0	01	0	0	02

1	2	3	4	5	6	7
मोरी—(जारी)	10B	0	01	0	0	02
	144/8B1		02	5	0	06½
	8B2	0	03	0	0	07½
	144/6B	0	04	0	0	10½
	143/7B	0	05	0	0	12
	140/1B7	0	04	0	0	10
	140/1B2	0	05	5	0	13
	140/1B3	0	05	0	0	12
	140/1B5	0	03	0	0	08
	140/1B4	0	05	05	0	13
	140/1B1	0	08	0	0	20
	140/1B6	0	03	0	0	08
	140/2B	0	03	0	0	08
	138/5B	0	01	0	0	01½
	138/6B6	0	00	05	0	01
	138/6B3	0-	00	5	0	01
	138/6B2	0	00	5	0	01
	138/6B4	0	00	5	0	01
	138/6B1	0	01	0	0	03
	138/6B5	0	00	5	0	01
	139/2B1	0	03	0	0	07½
	139/2B2	0	08	5	0	21
	139/2B3	0	07	5	0	18½
	139/2B4	0	02	5	0	06½
	139/2B5	0	01	0	0	02½
	139/2B6	0	08	5	0	21
	139/3B1	0	00	5	0	01
	139/3B2	0	04	5	0	11
			4	01	5	10 02½
केसवदासुपालेम	242/6B1	0	04	5	0	11
	242/6B2	0	01	5	0	03½
	242/5B1	0	01	5	0	03½
	242/5B2	0	02	0	0	04½
	242/7B1	0	04	05	0	11
	242/7B2	0	05	5	0	01
	242/8B	0	04	0	0	10
	242/9B1	0	05	5	0	13
	242/9B2	0	04	0	0	09½
	243/1B	0	01	0	0	03
	243/3B	0	12	0	0	30
	243/4B2	0	06	0	0	15

1	2	3	4	5	6	7
केसवदासुपालेम	243/5B	0	09	0	0	22
	243/4B1	0	12	0	0	30
		0	68	0	1	67

[सं. ओ.-12016/1(17)/2000-ओ.एन.जी/डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2622.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2733 dated 14-10-1997 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted its report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore in exercise of the powers conferred by Sub-Section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-section (4) of Section 6, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE**ROU Flow Line from Mori-8 to Mori-4**

State : Andhra Pradesh Mandal Sakhinetipalli
District : East Godavari

Village	Survey Number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Mori	234/5B	0	15	0	0	37
	235/1B	0	07	5	0	19
	234/4B	0	05	0	0	12
	234/7B1	0	03	5	0	09
	234/7B2	0	02	0	0	05
	236/2F	0	04	5	0	11

1	2	3	4	5	6	7
Mori	236/2E	0	02	5	0	06
	236/2D	0	03	5	0	09
	236/2B	0	03	0	0	08
	236/2A	0	07	5	0	19
	236/2C	0	06	0	0	15
	284/2	0	02	5	0	06
	283/1A1	0	07	5	0	18
	283/1A2	0	01	5	0	04
	248/2B1	0	11	5	0	28
	248/2B3	0	03	0	0	08
	248/1B	0	06	5	0	16½
	248/2B2	0	14	0	0	34
	248/3B	0	09	5	0	23
	249/3B	0	04	5	0	11
	249/10B	0	03	0	0	08
	249/2B	0	00	5	0	505
	249/11B	0	03	0	0	09
	249/12B	0	01	0	0	02½
	249/6A	0	03	0	0	08
	249/7B	0	03	5	0	08
	250/2B	0	02	5	0	06½
	250/3B	0	02	0	0	06
	250/8A	0	00	0	0	00½
	250/4B	0	02	5	0	05½
	250/5B	0	02	0	0	06
	250/6B	0	02	0	0	05
	250/7B	0	02	0	0	04½
	8B	0	00	5	0	00½
	253/1B2	0	14	0	0	35
	253/3B	0	14	0	0	35
	254/1B	0	12	5	0	31
	253/1B1	0	01	0	0	01½
	255/2	0	03	0	0	08
	256/1B	0	08	0	0	19½
	147/4B	0	03	0	0	08
	147/5B	0	05	5	0	14
	147/6B	0	09	5	0	23
	148/1	0	01	0	0	01½
	142/1A1	0	29	0	0	72
	138/7B	0	04	0	0	10
	150/2	0	33	0	0	81½

1	2	3	4	5	6	7
Mori (Contd.)	149/2	0	07	0	0	17
	146/C2	0	01	0	0	02
	144/11B2	0	08	5	0	21
	144/11B1	0	06	0	0	15
	144/8B3	0	01	0	0	02½
	9B	0	01	0	0	02
	10B	0	01	0	0	02
	144/8B1	0	02	5	0	06½
	8B2	0	03	0	0	07½
	144/6B	0	04	0	0	10½
	143/7B	0	05	0	0	12
	140/1B7	0	04	0	0	10
	140/1B2	0	05	5	0	13
	140/1B3	0	05	0	0	12
	140/1B5	0	03	0	0	08
	140/1B4	0	05	05	0	13
	140/1B1	0	08	0	0	20
	140/1B6	0	03	0	0	08
	140/2B	0	03	0	0	08
	138/5B	0	01	0	0	01½
	138/6B6	0	00	05	0	01
	138/6B3	0	00	5	0	01
	138/6B2	0	00	5	0	01
	138/6B4	0	00	5	0	01
	138/6B1	0	01	0	0	03
	138/6B5	0	00	5	0	01
	139/2B1	0	03	0	0	07½
	139/2B2	0	08	5	0	21
	139/2B3	0	07	5	0	18½
	139/2B4	0	02	5	0	06½
	139/2B5	0	01	0	0	02½
	139/2B6	0	08	5	0	21
	139/3B1	0	00	5	0	01
	139/3B2	0	04	5	0	11
		4	01	5	10	02½
Kesavadasu-	242/6B1	0	04	5	0	11
palem	242/6B2	0	01	5	0	03½
	242/5B1	0	01	5	0	03½
	242/5B2	0	02	0	0	04½

1	2	3	4	5	6	7
Kesavadasu-	242/7B1	0	04	05	0	11
palem	242/7B2	0	05	5	0	01
	242/8B	0	04	0	0	10
	242/9B1	0	05	5	0	13
	242/9B2	0	04	0	0	09½
	243/1B	0	01	0	0	03
	243/3B	0	12	0	0	30
	243/4B2	0	06	0	0	15
	243/5B	0	09	0	0	22
	243/4B1	0	12	0	0	30
		0	68	0	1	67

[No. O-12016/1(17)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2623.—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2731 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से गलत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ. यू. पाईप लाइन : मोरी-9 से मोरी-2

राज्य : आंध्र प्रदेश

मंडल : सकिनेटिपल्ली

जिला : पूर्व गोदावरी

गाँव	सर्व नं.	हेक्टास	एर्स	संटीएर्स	एक्स	सेन्ट्स
1	2	3	4	5	6	7
केसवदासुपालेम	276/P	0	01	0	0	0
	279/P					
	272/P	0	12	0	0	03

1	2	3	4	5	6	7
केसवदासुपालेम	272/P	0	06	5	0	16
(जारी)	272/P	0	08	5	0	21
	272/P	0	03	5	0	09
	272/P	0	07	5	0	18
	272/P	0	07	0	0	17
	268/2P	0	07	0	0	17
	268/8P					
	266/1BP	0	07	5	0	19
	266/1BP	0	03	0	0	08
	266/1BP	0	08	0	0	20
	215/1P	0	01	0	0	03
	155/P	0	01	5	0	04
	155/P	0	11	0	0	27
	155/P	0	07	0	0	17
	155/3P	0	03	5	0	09
	155/P	0	01	5	0	04
	157/P	0	06	0	0	15
	214/P	0	01	0	0	02
Total :		1	04	0	2	75

[सं. ओ.-12016/1(18)/2000-ओ.एन.जी./डी-IV]

एच. एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2623.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2731 dated 14-10-97 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore in exercise of the power conferred by Sub-section (1) of Sections 6 of the said Act, the Central Government hereby declares that the right of user

in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by Sub-section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE

ROU Flow Line From Mori-9 to Mori-2

State : Andhra Pradesh

Mandal : Sakshin-
tipalli

District : East Godavari

Village	Survey Number	Hec- tares	Ares	Cen- tu- ares	Acre	Cents
1	2	3	4	5	6	7
Kesavadasu- palem	276/P	0	01	0	0	0
	279/P	0	12	0	0	03
	272/P					
	272/P	0	06	5	0	16
	272/P	0	08	5	0	21
	272/P	0	03	5	0	09
	272/P	0	07	5	0	18
	272/P	0	07	0	0	17
	268/2P	0	07	0	0	17
	268/8P	0	07	5	0	19
	266/1BP					
	266/1BP	0	03	0	0	08
	266/1BP	0	08	0	0	20
	215/1P	0	01	0	0	03
	155/P	0	01	5	0	04
	155/P	0	11	0	0	27
	155/P	0	07	0	0	17
	155/3P	0	03	5	0	09
	155/P	0	01	5	0	04
	157/P	0	06	0	0	15
	214/P	0	01	0	0	02
Total		1	04	0	2	75

[No. O-12016/1(18)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2624.—अतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2735 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू पाईप लाइन केडकलूरु-10 से केडकलूरु-7

राज्य : आंध्र प्रदेश

मंडल : मुदिनेपल्ली

जिला : पूर्व गोदावरी

गाँव	सर्व नं.	हेक्टास एर्स संटी- एर्म्स सेन्ट्स मर्स				
	1	2	3	4	5	6
काकरवाडा	25/A	0	02	0	0	05
	16/3	0	14	5	0	36
	17/A	0	10	0	0	25
	12/5A	0	14	5	0	36
	15/4B	0	12	0	0	30
	15/4A	0	23	0	0	57
	16/2A	0	20	0	0	49
	Total	0	96	0	2	38

1	2	3	4	5	6	7
वडाली	251/1A	0*	18	0	0	45
	254/1A	0	16	5	0	41
Total		0	34	5	0	86

[सं. ओ.-12016/1(19)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2625.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No 2735 dated 14--10-97 under Sub section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by Sub-Section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances.

SCHEDULE**ROU Flow Line From Kaikaluru-10 to Kaikaluru-7**

State Andhra Pradesh Mandal Mudinepalli
District Krishna

Village	Survey Number	Hect-ares	Areas	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
Kakaravada	25/A	0	02	0	0	05
	16/3	0	14	5	0	36
	17/A	0	10	0	0	25
	12/5A	0	14	5	0	36
	15/4B	0	12	0	0	30

1	2	3	4	5	6	7
Kakaravada (Contd.)	15/4A	0	23	0	0	57
	16/2A	0	20	0	0	49
Total		0	96	0	2	38
Vadali	251/1A	0	18	0	0	45
	254/1A	0	16	5	0	41
Total		0	34	5	0	86

[No. O-12016/1(19)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2625.—अतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 2745 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों के उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची**आर. ओ.यु. पाइप लाइन : मुलिकिपल्ली-1 से पोन्नमंडा ई.पी.एस.**

राज्य : आंध्र प्रदेश

मंडल : राजोल

जिला : पूर्व गोदावरी

1	2	3	4	5	6	7
पोन्नमंडा	262/1C	0	01	0	0	02
	262/1B	0	17	5	0	43
	262/2B1	0	03	5	0	09
	262/2B2	0	07	5	0	18

1	2	3	4	5	6	7
पोन्नमंडा—(जारी)	363/2	0	02	0	0	05
	264/2	0	11	0	0	27
	468/9A	0	02	0	0	05
	468/10A	0	02	0	0	05
	468/6B	0	02	5	0	02½
	468/7B	0	00	5	0	11
	468/4B	0	03	5	0	09
	468/8B	0	03	0	0	07
	467/5B	0	05	0	0	02½
	467/6B	0	04	0	0	09½
	467/3D	0	04	0	0	09½
	467/6B	0	03	0	0	07
	469/1A	0	08	5	0	21
	467/1B	0	01	0	0	02
	467/4B	0	11	5	0	29
	465/2	0	03	5	0	09
	471/1A1	0	02	0	0	05
	467/2B	0	05	5	0	13½
	464/4A2	0	01	0	0	03
	464/4B2	0	04	5	0	11
	464/4C1	0	03	5	0	09
	463/2B	0	03	0	0	07
	463/1A2	0	02	5	0	06
	463/7B1	0	20	5	5	51
	462/7B2	0	05	5	0	14
	462/8C	0	03	5	0	09
	453/6B1	0	06	0	0	15½
	462/8B	0	01	5	0	03½
		0	54	0	3	80½
	453/6B2	0	04	0	0	10
	453/7B	0	04	0	0	10
	453/8B	0	05	5	0	14
	053/9A	0	06	0	0	15½
	456/11B	0	01	0	0	02
	456/12B	0	03	5	0	08½
	456/8B	0	07	0	0	17½
	456/13A	0	07	0	0	17½
	453/4B	0	06	0	0	15
	461/5A2	0	14	5	0	36
	455/B	0	05	5	0	13
	454/2	0	02	5	0	06
	455/3A	0	03	5	0	08½

1	2	3	4	5	6	7
	364/2	0	03	0	0	08
	365/1C	0	02	05	0	06½
	365/2B	0	09	5	0	23
	365/4A	0	01	0	0	02
	368/2	0	24	0	0	60
	350/9B	0	00	5	0	01½
	359/10B	0	09	0	0	23
	305/3C1	0	06	0	0	15
	365/3C2	0	01	5	0	04
	360/4	0	01	0	0	05½
	Total	02	82	0	7	04

[सं. ओ.-12016/1(20)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2625.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2745 dated 14-10-97 under sub section(1) of 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section 1 of the section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the Section, Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE

ROU Flow Line From Mulkipalli-1 to Pannamanda-
EPSState Andhra Pradesh
District East Godavari

Mandal : Razole

Village	Survey Number	Hec- tares	Ares	Cen- tia- res	Acres	Cents
1	2	3	4	5	6	7
Ponnamanda	262/1C	0	01	0	0	02
	262/1B	0	17	5	0	43
	262/2B1	0	03	5	0	09
	262/2B2	0	07	5	0	18
	363/2	0	02	0	0	05
	264/2	0	11	0	0	27
	468/9A	0	02	0	0	05
	468/10A	0	02	0	0	05
	468/6B	0	02	5	0	02½
	468/7B	0	04	5	0	11
	468/4B	0	03	5	0	09
	468/8B	0	03	0	0	07
	467/5B	0	05	0	0	02½
	467/6B	0	04	0	0	09½
	467/3D	0	04	0	0	09½
	467/6B	0	03	0	0	07
	469/1A	0	08	5	0	21
	467/1B	0	01	0	0	02
	467/4B	0	11	5	0	29
	465/2	0	03	5	0	09
	471/1A1	0	02	0	0	05
	467/2B	0	05	5	0	13½
	464/4A2	0	01	0	0	03
	464/4B2	0	04	5	0	11
	464/4C1	0	03	5	0	09
	463/2B	0	03	0	0	07
	463/1A2	0	02	5	0	06
	463/7B1	0	20	5	5	51
	462/7B2	0	05	5	0	14
	462/8C	0	03	5	0	09
	453/6B1	0	06	0	0	15½
	462/8B	0	01	5	0	03½
		0	54	0	3	80½
	453/6B2	0	04	0	0	10
	453/7B	0	04	0	0	10

1	2	3	4	5	6	7
Ponnamanda	453/8B	0	05	5	0	14
(Cont)	053/9A	0	06	0	0	15½
	456/11B	0	01	0	0	02
	456/12B	0	03	5	0	08½
	456/8B	0	07	0	0	17½
	456/13A	0	07	0	0	17½
	453/4B	0	06	0	0	15
	461/5A2	0	14	5	0	36
	455/B	0	05	5	0	13
	454/2	0	02	5	0	06
	455/3A	0	03	5	0	08½
	364/2	0	03	0	0	08
	365/1C	0	02	05	0	06½
	365/2B	0	09	5	0	23
	365/4A	0	01	0	0	02
	368/2	0	24	0	0	60
	350/9B	0	00	5	0	01½
	359/10B	0	09	0	0	23
	305/3C1	0	06	0	0	15
	365/3C2	0	01	5	0	04
	360/4	0	01	0	0	05½
	Total	02	82	0	7	04

[No. O-12016/1(20)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2626.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2752 तारीख 14-10-98 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : ताटिपाका-13 से ताटिपाका जी.सी.एस.

राज्य : आंध्र प्रदेश

मंडल : मामिडिकुदुरु

जिला : पूर्व गोदावरी

गांव	सर्वे नं.	हेक्ट.	एकड़	सेन्टी.	एकड़	सेन्ट्स
1	2	3	4	5	6	7
गेददाडा	74/8B	0	00	5	0	00¼
	74/9B	0	12	0	0	30
	77/1	0	12	0	0	30
	77/2B	0	06	0	0	15
	76/2	0	03	0	0	08
	83/1B	0	18	0	0	45
	84/4B2	0	14	0	0	33½
	84/8B1	0	03	0	0	07
	106/1B1	0	08	0	0	20
	84/2B	0	09	5	0	24
	85/2	0	01	5	0	04
	113/5B1	0	07	5	0	19
	113/5B2	0	07	0	0	17½
	20/3B2	0	01	0	0	01½
	114/4B1	0	14	5	0	36
	114/4B2	0	14	0	0	35
	120/1B	0	17	0	0	43
	120/2B	0	11	5	0	29
	121/2B1	0	02	0	0	05
	122/5A1	0	04	5	0	11
	121/2B2	0	02	0	0	05
	122/5A2	0	01	0	0	02½
	122/6A	0	05	0	0	13
	121/3B1	0	01	0	0	03½
	121/3B2	0	01	0	0	03½
	122/1B	0	03	5	0	09
	122/2A	0	00	5	0	00½
	122/3B	0	11	0	0	27
	106/1B2	0	11	0	0	28

1	2	3	4	5	6	7
	109/2	0	01	5	0	04
	108/1B	0	00	5	0	01½
	108/2A	0	00	5	0	01½
	107/2	0	03	0	0	08
	106/2B	0	02	0	0	06
	106/4A	0	02	0	0	04½
	106/3A1	0	01	0	0	02½
	106/3A2	0	02	0	0	04½
	103/2A	0	08	5	0	20½
	103/2B	0	24	0	0	60
	138/2B	0	02	0	0	05
	138/2A	0	09	5	0	22½
	104/1	0	01	5	0	04
	139/2	0	02	0	0	06
	140/8B	0	03	0	0	08
	17/2A	0	09	0	0	22
	17/2B	0	00	5	0	01½
	17/2C	0	09	0	0	22
	17/2D	0	10	5	0	26½
	19/6A	0	02	5	0	06½
	20/2B	0	14	0	0	34
	20/3B1	0	04	5	0	11½
	20/4B	0	05	5	0	14
	11/2B	0	04	0	0	10
	11/2B2	0	16	5	0	41
	11/2B3	0	17	0	0	43
	12/1B1	0	04	0	0	10
	12/1B2	0	12	0	0	30½
	12/2B	0	03	0	0	07
	13/1A2	0	01	0	0	03
	13/1B2	0	00	5	0	01½
	13/2B1A	0	07	0	0	17
	13/2B/1B	0	08	5	0	21
	13/2B/1C	0	10	0	0	25
	Total	4	04	5	10	11¼
नगरम	92/1B1	0	08	5	0	21
	32/5B	0	03	0	0	08½
	32/8B	0	01	0	0	02½

1	2	3	4	5	6	7
नगरम	92/1B/2	0	10	0	0	02½
	92/1B/3	0	10	5	0	26
	92/2B	0	01	0	0	02½
	95/2A	0	04	0	0	10½
	97/4B	0	01	0	0	02
	96/1B	0	23	5	0	58½
	96/2A	0	01	0	0	02½
	98/2	0	03	0	0	08½
	103/1B	0	05	0	0	13
	102/5A/2	0	15	0	0	37
	101/3B/2	0	07	0	0	18
	101/3A/2	0	02	5	0	06
	101/3D/2	0	01	0	0	01½
	101/4B	0	01	0	0	01½
	101/5A1	0	05	0	0	13
	101/5B1	0	06	0	0	15
	101/5C2	0	14	0	0	34
	109/2	0	02	0	0	06
	110/2B	0	11	0	0	27
	111/3A.5B	0	00	5	0	00½
	111/3A.6B	0	07	5	0	18½
	111/4A/2A	0	13	0	0	32
	112/1A/1B	0	02	0	0	05
	112/1B/1A	0	05	0	0	12
	112/1B/1A	0	03	0	0	07
	159/2B	0	03	0	0	09
	158/8B	0	05	5	0	14
	158/9A/2	0	15	0	0	38
	158/9B/1	0	03	0	0	09
	163/2	0	07	0	0	17½
	164/1A/2	0	13	0	0	32
	164/1B2	0	03	5	0	09
	164/1E/2	0	04	0	0	09½
	164/1F/2	0	04	0	0	09½

1	2	3	4	5	6	7
	164/1G/2	0	04	5	0	11
	165/7A	0	03	0	0	08
	32/3B	0	03	0	0	08
	165/7B/1	0	07	5	0	18½
	165/5B	0	04	0	0	10
	165/6B	0	11	5	0	28½
	165/6C	0	10	0	0	24½
	32/4B	0	03	0	0	08½
	167/1A/1	0	03	0	0	07
	Total	2	74	5	6	85

[सं. ओ. - 12016/1(21)/2000-ओ.एन.जी./डी.-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2626.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S O No. 2752 dated 14-10-97 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under Sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by Sub-section (4) of the Section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE

ROU Flow Line From Tatipaka-13 to Tatipaka GCS

State : Andhra Pradesh Mandal: Mamidikuduru
District. East Godavari.

Village	Survey number	Hect ares	Ares	Cen- tia- res	Acres	Cents
1	2	3	4	5	6	7
Geddada	74/8B	0	00	5	0	00¼
	74/9B	0	12	0	0	30
	77/1	0	12	0	0	30
	77/2B	0	06	0	0	15
	76/2	0	03	0	0	08
	83/1B	0	18	0	0	45
	84/4B2	0	14	0	0	33½
	84/8B1	0	03	0	0	07
	106/1B1	0	08	0	0	20
	84/2B	0	09	5	0	24
	85/2	0	01	5	0	04
	113/5B1	0	07	5	0	19
	113/5B2	0	07	0	0	17½
	20/3B2	0	01	0	0	01½
	114/4B1	0	14	5	0	36
	114/4B2	0	14	0	0	35
	120/1B	0	17	0	0	43
	120/2B	0	11	5	0	29
	121/2B1	0	02	0	0	05
	122/5A1	0	04	5	0	11
	121/2B2	0	02	0	0	05
	122/5A2	0	01	0	0	02½
	122/6A	0	05	0	0	13
	121/3B1	0	01	0	0	03½
	121/3B2	0	01	0	0	03½
	122/1B	0	03	5	0	09
	122/2A	0	00	5	0	00½
	122/3B	0	11	0	0	27
	106/1B2	0	11	0	0	28
	109/2	0	01	5	0	04
	108/1B	0	00	5	0	01½
	108/2A	0	00	5	0	01½
	107/2	0	03	0	0	08
	106/2B	0	02	0	0	06

1	2	3	4	5	6	7
	106/4A	0	02	0	0	04½
	106/3A1	0	01	0	0	02½
	106/3A2	0	02	0	0	04½
	103/2A	0	08	5	0	20½
	103/2B	0	24	0	0	60
	138/2B	0	02	0	0	05
	138/2A	0	09	5	0	22½
	104/1	0	01	5	0	04
	139/2	0	02	0	0	06
	140/8B	0	03	0	0	08
	17/2A	0	09	0	0	22
	17/2B	0	00	5	0	01½
	17/2C	0	09	0	0	22
	17/2D	0	10	5	0	26½
	19/6A	0	02	5	0	06½
	20/2B	0	14	0	0	34
	20/3B1	0	04	5	0	11½
	20/4B	0	05	5	0	14
	11/2B	0	04	0	0	10
	11/2B2	0	16	5	0	41
	11/2B3	0	17	0	0	43
	12/1B1	0	04	0	0	10
	12/1B2	0	12	0	0	30½
	12/2B	0	03	0	0	07
	13/1A2	0	01	0	0	03
	13/1B2	0	00	5	0	01½
	13/2B1A	0	07	0	0	17
	13/2B/1B	0	08	5	0	21
	13/2B/1C	0	10	0	0	25
	Total	4	04	5	10	11¼
Nagaram	92/1B1	0	08	5	0	21
	32/5B	0	03	0	0	08½
	32/8B	0	01	0	0	02½
	92/1B/2	0	10	0	0	02½
	92/1B/3	0	10	5	0	26
	92/2B	0	01	0	0	02½
	95/2A	0	04	0	0	10½
	97/4B	0	01	0	0	02
	96/1B	0	23	5	0	58½

1	2	3	4	5	6	7
Nagaram	96/2A	0	01	0	0	02½
	98/2	0	03	0	0	08
	103/1B	0	05	0	0	13
	102/5A/2	0	15	0	0	37
	101/3B/2	0	07	0	0	18
	101/3A/2	0	02	5	0	06
	101/3D/2	0	01	0	0	01½
	101/4B	0	01	0	0	01½
	101/5A1	0	05	0	0	13
	101/5B1	0	06	0	0	15
	101/5C2	0	14	0	0	34
	109/2	0	02	0	0	06
	110/2B	0	11	0	0	27
	111/3A,5B	0	00	5	0	00½
	11/3A,6B	0	07	5	0	18½
	11/4A/2A	0	13	0	0	32
	112/4A/2B	0	02	0	0	05
	112/1B/1A	0	05	0	0	12
	112/1B/1A	0	03	0	0	07
	159/2B	0	03	0	0	09
	158/8B	0	05	5	0	14
	158/9A/2	0	15	0	0	38
	158/9B/1	0	03	0	0	09
	163/2	0	07	0	0	17½
	164/1A/2	0	13	0	0	32
	164/1B2	0	03	5	0	09
	164/1E/2	0	04	0	0	09½
	164/1F/2	0	04	0	0	09½
	164/1G/2	0	04	5	0	11
	165/7A	0	03	0	0	08
	32/3B	0	03	0	0	08
	165/7B/1	0	07	5	0	18½
	165/5B	0	04	0	0	10
	165/6B	0	11	5	0	28½
	165/6C	0	10	0	0	24½
	32/4B	0	03	0	0	08½
	167/1A/1	0	03	0	0	07
Total		2	74	5	6	85

[No. O-12016/1(21)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2627.—यतः पेट्रोलियम और खनिज पाईप लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2748 तारीख 14-10-97 द्वारा केन्द्र ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के प्राधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचूरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से गलत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

आर. ओ.यू. पाईपलाईन : ताटिपाका-14 से ताटिपाका-13

राज्य : आंध्र प्रदेश

मंडल : राजोल

जिला : पूर्व गोदावरी

गांव	सर्वे नं.	हेक्ट.	एकड़	सेन्टी.	एकड़	सेन्ट्स
1	2	3	4	5	6	7
कडलि	510/1B	0	05	0	0	12
	508/1B	0	07	5	0	18½
	340/2	0	23	0	0	57
	341/2	0	05	0	0	12½
	342/9B	0	02	0	0	05
	342/10B1	0	03	0	0	07
	342/10B2	0	06	5	0	16½
	342/10B3	0	02	5	0	06
	342/11B	0	05	0	0	12
	343/1B	0	14	5	0	36
	343/2B	0	07	0	0	17½

1	2	3	4	5	6	7
कडलि	345/14B	0	03	0	0	07½
	347/2B2	0	04	5	0	11
	3472A2	0	00	5	0	01
	347/2B2	0	01	0	0	02
	348/2	0	09	0	0	23
	349/1A2	0	05	0	0	13
	349/2B1A0	03	0	0	0	07
	349/1C2	0	01	0	0	02
	349/2B1B0	06	0	0	0	16
	349/4A	0	00	05	0	01
	349/					
	5A26C2	0	01	0	0	02
	349/1C1	0	01	0	0	03
	349/6A2	0	01	0	0	03
	349/7A2	0	10	0	0	25
	349/5B2	0	01	0	0	03
	349/9A	0	01	0	0	02
	350/1B	0	04	0	0	10
	350/2A2	0	07	5	0	19
	350/2B2/					
	A	0	05	0	0	13
	350/					
	2B2/B	0	01	0	0	03
	350/2B3	0	02	0	0	05
	350/3C2	0	12	5	0	31
	350/4D/A0	04	5	0	0	11½
	350/4D/					
	1B	0	04	0	0	10
		1	70	0	4	24
गेददाइ	80/2B	0	04	0	0	10
	79/1B1	0	09	0	0	22
	78/1B1	0	02	5	0	06
	78/1B3	0	04	0	0	10½
	79/1B2	0	01	0	0	03
	79/1B3	0	02	5	0	06
	79/1B4	0	08	0	0	20
	79/1B5	0	03	0	0	08
	78/1B2	0	05	5	0	13
	78/2A	0	00	5	0	01
	77/1B	0	25	0	0	63
	74/9B1	0	02	5	0	06
	74/9B2	0	05	5	0	13½

1	2	3	4	5	6	7
गेददाइ	74/10A	0	06	0	0	15
		0	81	0	2	02½

[सं. ओ.-12016/1(22)/2000-ओ.एन.जी/डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2627.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2748 dated 14-10-97 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government.

And Further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby for acquired laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, Central Government directs that the right of use in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE**ROU Flow Line From Tatipaka-14 to Tatipaka 13**

State : Andhra Pradesh

Mandal : Razole

District : East Godavari

Village	Survey number	Hect-ares	Ares	Cen. ares	Acres	Cents
1	2	3	4	5	6	7
KADALI	510/1B	0	05	0	0	12
	508/1B	0	07	5	0	18½
	340/2	0	23	0	0	57
	341/2	0	05	0	0	12½
	342/9B	0	02	0	0	05
	342/10B1	0	03	0	0	07

1	2	3	4	5	6	7
KADALI	342/10B2	0	06	5	0	16½
	342/10B3	0	02	5	0	06
	342/11B	0	05	0	0	12
	343/1B	0	14	5	0	36
	343/2B	0	07	0	0	17½
	345/14B	0	03	0	0	07½
	347/2B2	0	04	5	0	11
	347/2A2	0	00	5	0	01
	347/2B2	0	01	0	0	02
	348/2	0	09	0	0	23
	349/1A2	0	05	0	0	13
	349/2B1A	0	03	0	0	07
	349/1C2	0	01	0	0	02
	349/2B1B	0	06	0	0	16
	349/4A	0	00	05	0	01
	349/5A26C2	0	01	0	0	02
	349/1C1	0	01	0	0	03
	349/6A2	0	01	0	0	03
	349/7A2	0	10	0	0	25
	349/5B2	0	01	0	0	03
	349/9A	0	01	0	0	02
	350/1B	0	04	0	0	10
	350/2A2	0	07	5	0	19
	350/2B2/A	0	05	0	0	13
	350/2B2/B	0	01	0	0	03
	350/2B3	0	02	0	0	05
	350/3C2	0	12	5	0	31
	350/4D/A	0	04	5	0	11½
	350/4D/1B	0	04	0	0	10
		1	70	0	4	24
GEDDADA	80/2A	0	02	0	0	05
	80/2B	0	04	0	0	10
	79/1B1	0	09	0	0	22

1	2	3	4	5	6	7
GEDDADA	78/1B1	0	02	5	0	06
(Contd.)	78/1B3	0	04	0	0	10½
	79/1B2	0	01	0	0	03
	79/1B3	0	02	5	0	06
	79/1B4	0	08	0	0	20
	79/1B5	0	03	0	0	08
	78/1B2	0	05	5	0	13
	78/2A	0	00	5	0	01
	77/1B	0	25	0	0	63
	74/9B1	0	02	5	0	06
	74/9B2	0	05	5	0	13½
	74/10A	0	06	0	0	15
		0	81	0	2	02½

[No. O-12016/1(22)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 9 नवम्बर, 2000

का.आ. 2628.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2737 तारीख 14-10-97 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से गलत रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची						
आर.ओ.यु. पाईपलाइन : पोन्नमंडा इ. पी. एस. से ताटिपाका						
जी.सि. एस.						
राज्य : आंध्र प्रदेश						
मंडल : राजोल						
जिला : पूर्व गोदावरी						
गांव	सर्वे नं.	हेक्ट.	एकड़	सेन्टी.	एकड़	सेन्ट्स
1	2	3	4	5	6	7
कडाली	838/1B	0	18	5	0	46
	838/2B	0	13	0	0	33
	837/1B	0	10	5	0	26
	2A	0	00	5	0	01
	822/2	0	04	5	0	11
	821/2	0	04	5	0	11
	820/2	0	18	5	0	46
	818/2B	0	21	0	0	53
	815/1B2	0	03	0	0	07
	812/2B3	0	05	5	0	14
	815/1B1	0	03	0	0	08
	810/3A,2B	0	03	0	0	08
	5B2	0	03	5	0	09
	815/2B	0	16	5	0	41
	812/2B1	0	02	0	0	05
	812/2B2	0	09	0	0	22
	810/2B2C	0	03	0	0	08
	3B/2A	0	05	05	0	14
	810/2B/2B	0	05	0	02	12
	748/1B2	0	06	0	0	15½
	810/2A2	0	18	0	0	45
	810/2B/2A	0	03	0	0	07
	810/1B	0	00	5	0	00½
	808/2	0	02	0	0	05
	807/2B	0	08	0	0	20½
	806/2	0	02	0	0	05
	800/1B1	0	00	5	0	00½
	802/2B3	0	15	0	0	37
	802/3A	0	00	05	0	00½
	802/1B	0	10	0	0	25
	802/2B	0	00	5	0	01

1	2	3	4	5	6	7
कडाली (जारी)	802/2B1	0	05	0	0	12
	802/2B2	0	00	5	0	00½
	801/2	0	01	5	0	04
	800/1B2	0	21	0	0	54
	800/2A	0	03	0	0	07½
	799/1B	0	17	5	0	44
	749/2	0	03	0	0	07½
	748/2B	0	17	0	0	42
	748/1B/1	0	07	0	0	07½
	437/1B5	0	01	0	0	03
	748/1B4	0	03	0	0	07½
	745/2	0	01	0	0	03
	748/1B3	0	05	5	0	13½
	747/1B	0	08	0	0	20
	747/3B	0	31	0	0	78
	426/2A	0	07	5	0	19
	745/3B	0	09	5	0	24
	756/3B	0	06	0	0	16
	755/2	0	05	0	0	12
	756/1B1	0	03	8	0	09
	756/1B2	0	09	0	0	23
	454/1B1	0	04	5	0	11
	756/1B3	0	00	5	0	01
	756/2B	0	00	5	0	01½
	759/1B	0	03	0	0	07
	759/2A	0	01	5	0	04
	456/3A	0	01	5	0	04
	455/2B1	0	31	5	0	79
	455/2B2	0	00	5	0	01
	437/2B1	0	04	0	0	10
	437/2B2	0	01	0	0	03
	437/1B4	0	02	0	0	04½
	437/1B3	0	03	5	0	09
	437/1B2	0	06	5	0	16
	437/1B1	0	14	5	0	36
	436/3B	0	13	5	0	34
	436/5A	0	00	5	0	0
	436/6A	0	01	5	0	04
	436/7A	0	01	5	0	04
	457/2	0	33	5	0	84

1	2	3	4	5	6	7	1	2	3	4	5	6	7
कडाली (जारी)	458/2A	0	23	0	0	57	पोन्नमंडा (जारी)	264/2	0	10	5	0	27
	458/2B	0	14	5	0	36		468/9A	0	02	0	0	05
	406/2	0	08	5	0	22		468/10A	0	02	0	0	05
	405/2B1	0	00	5	0	01½		468/6B	0	1	0	0	02½
	407/2C	0	02	0	0	05½		468/7B	0	04	5	0	11
	407/2D	0	09	5	0	24		468/4B	0	03	5	0	09
	405/2B2	0	04	0	0	10		468/8B	0	03	0	0	07
	407/2A	0	05	0	0	12		467/3B	0	01	0	0	02½
	407/2B	0	04	0	0	09½		467/5B	0	04	0	0	09½
	411/A	0	01	0	0	03		467/3B	0	04	0	0	09½
	439/1A	0	01	0	0	03		467/6B	0	03	0	0	07
	439/1B	0	08	5	0	21		469/1A	0	08	5	0	21
	439/1C	0	04	5	0	11		467/1B	0	01	0	0	02
	438/2	0	04	5	0	11		467/4B	0	11	5	0	29
	433/2	0	09	0	0	23		465/2	0	03	5	0	09
	427/1B1	0	06	5	0	16		471/B1	0	02	0	0	05
	434/1B	0	12	5	0	32		467/2B	0	05	5	0	13½
	434/2B	0	18	0	0	44½		464/4A2	0	01	0	0	03
	427/1B2	0	07	5	0	19		464/4B2	0	04	5	0	11
	426/2C	0	01	0	0	2½		464/4C1	0	03	5	0	09
	426/2B	0	05	0	0	13		463/2B	0	03	0	0	07
	418/1B	0	01	0	0	02½		463/1A2	0	02	5	0	06
	418/1C2	0	02	0	0	05		462/7B1	0	20	5	0	51
	418/1C1	0	06	0	0	15		462/7B2	0	05	0	0	14
	418/2B	0	05	0	0	13		462/8C	0	03	5	0	09
	416/1A1	0	00	5	0	00½		453/6B1	0	06	0	0	15½
	417/2B2	0	10	5	0	26		462/3B	0	01	5	0	03½
	416/1A2	0	01	5	0	04		453/6B2	0	04	0	0	10
	416/1A5	0	02	5	0	06		453/7B	0	04	5	0	10½
	416/1A4	0	10	5	0	06		359/3B	0	00	5	0	01
	416/3A	0	03	0	0	07½		359/4B	0	07	0	0	17
	417/2B1	0	07	5	0	19		351/2B	0	05	5	0	14
	454/1B2	0	07	5	0	19		453/8B	0	05	5	0	14
	454/2A	0	05	0	0	12		453/9A	0	06	0	0	15½
		7	19	5	17	99½		456/11B	0	01	0	0	02
								456/12B	0	03	5	0	08½
पोन्नमंडा	262/1C	0	01	0	0	02		456/8B	0	07	0	0	17½
	262/1B	0	17	0	0	43		456/13B	0	07	0	0	17½
	262/2B2	0	03	5	0	09		363/2B	0	04	5	0	11½
	262/2B1	0	07	0	0	18		453/4B	0	06	0	0	15½
	263/2	0	2	0	0	05		461/5A2	0	14	5	0	36

1	2	3	4	5	6	7	1	2	3	4	5	6	7
पेन्मंख (जारी)	455/2B	0	05	5	0	13½	गोददाख-(जारी)	137/2B	0	10	0	0	26
	365/1B	0	07	0	0	18		136/2B2	0	13	5	0	54
	454/2	0	02	5	0	06		141/1B2	0	06	0	0	15
	455/3A	0	03	5	0	08½		141/2B2	0	06	0	0	15
	364/2	0	03	0	0	08		141/3B2	0	05	0	0	13
	365/3A1	0	08	0	0	20		141/4B2	0	03	0	0	08
	365/3A2	0	07	05	0	19		141/5B	0	04	0	0	11
	365/3A3	0	07	5	0	19		15/1A1	0	00	5	0	01
	360/2	0	02	5	0	06		15/1B2	0	11	5	0	29
	359/6B	0	07	5	0	19		15/2B2	0	08	5	0	21
	359/8B	0	09	5	0	24		1/1A2	0	02	0	0	05
	358/2	0	09	5	0	23		14/2A2A	0	04	0	0	10
	358/4	0	21	5	0	54			2	08	5	5	21½
	348/2B	0	03	0	0	07	नगरम	92/1B1	0	25	0	0	62
	352/1	0	05	0	0	12		92/1B2	0	16	0	0	40
	351/1B	0	09	5	0	24		92/1B3	0	05	0	0	12
	351/1D	0	10	0	0	25		92/2B	0	01	0	0	03
	353/2	0	05	5	0	14		95/2B	0	11	0	0	27½
		3	56	5	8	91		95/3B	0	11	0	0	27½
गोददाडा	129/2	0	03	0	0	07		96/2B	0	21	0	0	52
	130/2A	0	05	0	0	12		98/2	0	04	0	0	10
	130/2C	0	01	0	0	02		103/1B	0	05	0	0	13
	130/2B	0	03	5	0	09		102/5A2	0	15	0	0	37
	130/2C	0	04	5	0	11		101/3B2	0	07	0	0	18
	130/2D	0	13	0	0	32		101/3A2	0	02	5	0	06
	130/2F	0	17	0	0	42		101/3D2	0	00	5	0	01½
	131/A2	0	01	0	0	03		101/4B	0	00	5	0	01½
	131/B2A	0	17	0	0	43		101/5A1	0	05	0	0	13
	131/B2B	0	04	5	0	11		101/5B1	0	06	0	0	15
	132/2	0	03	5	0	09		109/5C2	0	13	05	0	34
	135/2B	0	10	5	0	26		109/2	0	02	0	0	06
	134/1B	0	02	5	0	06		110/2B	0	11	0	0	27
	134/3B2A	0	12	0	0	30		111/3A5B	0	00	5	0	00½
	134/3B2B	0	03	0	0	07		111/3A6B	0	07	0	0	18½
	134/4B1	0	00	5	0	00½		111/4A2A	0	13	0	0	32
	134/4B2	0	09	5	0	24		111/4A2B	0	02	0	0	05
	134/4B3	0	02	0	0	05		112/1A2	0	05	0	0	12
	136/1B	0	04	0	0	10		112/1B1A	0	03	0	0	07
	136/2B2	0	08	0	0	20		159/2B	0	03	5	0	09
	137/1B	0	09	5	0	24		158/8B	0	05	5	0	14

1	2	3	4	5	6	7
नगरम (जारी)	158/9A2	0	15	0	0	38
	158/9B1	0	03	5	0	09
	163/2	0	07	0	0	17½
	164/1A2	0	13	0	0	32
	164/1B2	0	03	5	0	09
	164/1E2	0	04	0	0	09½
	164/1P2	0	04	0	0	09½
	164/1G2	0	04	5	0	11
	165/7A2	0	03	0	0	08
	32/3B	0	03	0	0	08
	165/7B1	0	07	5	0	18½
	165/5B	0	04	0	0	10
	165/6B	0	11	5	0	28½
	165/6C	0	10	0	0	28½
	32/4B	0	03	5	0	08½
	167/1A1	0	03	0	0	207
	32/5B	0	03	5	0	08½
	32/8B	0	01	0	0	02½
	92/1B1	0	08	0	0	21
		3	14	0	7	84½

[सं. ओ.-12016/1(23)/2000-ओ.एन.जी./डी-IV]

एच.एस. राजौर, डैस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2628.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2737, dated 14-10-1997 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1952 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration to the Oil and Natural Gas Corporation Limited free from encumbrances

SCHEDULE**ROU Pipe line Ponnamanda EPS to Tatipaka GCS**

State . Andhra Pradesh Mandal Razole
District . East Godavari

Village	Survey Number	Hect-ares	Ares	Centi-ares	Acres	Cents
1	2	3	4	5	6	7
KADALI	838/1B	0	18	5	0	46
	838/2B	0	13	0	0	33
	837/1B	0	10	5	0	26
	2A	0	00	5	0	01
	822/2	0	04	5	0	11
	821/2	0	04	5	0	11
	820/2	0	18	5	0	46
	818/2B	0	21	0	0	53
	815/1B2	0	03	0	0	07
	812/2B3	0	05	5	0	14
	815/1B1	0	03	0	0	08
	810/3A,2B	0	03	0	0	08
	5B2	0	03	5	0	09
	815/2B	0	16	5	0	41
	812/2B1	0	02	0	0	05
	812/2B2	0	09	0	0	22
	810/2B2C	0	03	0	0	08
	3B/2A	0	05	05	0	14
	810/2B/2B	0	05	0	0	12
	748/1B2	0	06	0	0	15½
	810/2A2	0	18	0	0	45
	810/2B2A	0	03	0	0	07
	810/1B	0	00	5	0	00½
	808/2	0	02	0	0	05
	807/2B	0	08	0	0	20½
	806/2	0	02	0	0	05
	800/1B1	0	00	5	0	00½

1	2	3	4	5	6	7
KADALI	802/2B3	0	15	0	0	37
	802/3A	0	00	5	0	00½
	802/1B	0	10	0	0	25
	802/2B	0	00	5	0	01
	802/2B1	0	05	0	0	12
	802/2B2	0	00	5	0	00½
	801/2	0	01	5	0	04
	800/1B2	0	21	0	0	54
	800/2A	0	03	0	0	07½
	799/1B	0	17	5	0	44
	749/2	0	03	0	0	07½
	748/2B	0	17	0	0	42
	748/1B/1	0	07	0	0	07½
	437/1B5	0	01	0	0	03
	748/1B4	0	03	0	0	07½
	745/2	0	01	0	0	03
	748/1B3	0	05	5	0	13½
	747/1B	0	08	0	0	20
	747/3B	0	31	0	0	78
	426/2A	0	07	5	0	19
	745/3B	0	09	5	0	24
	756/3B	0	06	0	0	16
	755/2	0	05	0	0	12
	756/1B1	0	03	8	0	09
	756/1B2	0	09	0	0	23
	454/1B1	0	04	5	0	11
	756/1B3	0	00	5	0	01
	756/2B	0	00	5	0	01½
	759/1B	0	03	0	0	07
	759/2A	0	01	5	0	04
	456/3A	0	01	5	0	04
	455/2B1	0	31	5	0	79
	455/2B2	0	00	5	0	01
	437/2B1	0	04	0	0	10
	437/2B2	0	01	0	0	03
	437/1B4	0	02	0	0	04½
	437/1B3	0	03	5	0	09
	437/1B2	0	06	5	0	16
	437/1B1	0	14	5	0	36
	436/3B	0	13	5	0	34

1	2	3	4	5	6	7
KADALI	436/5A	0	00	5	0	0
	436/6A	0	01	5	0	04
	436/7A	0	01	5	0	04
	457/2	0	33	5	0	84
	458/2A	0	23	0	0	57
	458/2B	0	14	5	0	36
	406/2	0	08	5	0	22
	405/2B1	0	00	5	0	01½
	407/2C	0	02	0	0	05½
	407/2D	0	09	5	0	24
	405/2B2	0	04	0	0	10
	407/2A	0	05	0	0	12
	407/2B	0	04	0	0	09½
	411/A	0	01	0	0	03
	439/1A	0	01	0	0	03
	439/1B	0	08	5	0	21
	439/1C	0	04	5	0	11
	438/2	0	04	5	0	11
	433/2	0	09	0	0	23
	427/1B1	0	06	5	0	16
	434/1B	0	12	5	0	32
	434/2B	0	18	0	0	44½
	427/1B2	0	07	5	0	19
	426/2C	0	01	0	0	2½
	426/2B	0	05	0	0	13
	418/1B	0	01	0	0	02½
	418/1C2	0	02	0	0	05
	418/1C1	0	06	0	0	15
	418/2B	0	05	0	0	13
	416/1A1	0	00	5	0	00½
	417/2B2	0	10	5	0	26
	416/1A2	0	01	5	0	04
	416/1A5	0	02	5	0	06
	416/1A4	0	10	5	0	06
	416/3A	0	03	0	0	07½
	417/2B1	0	07	5	0	19
	454/1B2	0	07	5	0	19
	454/2A	0	05	0	0	12
		7	19	5	17	99¼

1	2	3	4	5	6	7	1	2	3	4	5	6	7
PONNA-	262/1C	0	01	0	0	02	PONNA-	456/8B	0	07	0	0	17½
MANDA	262/1B	0	17	0	0	43	MANDA	456/13B	0	07	0	0	17½
	262/2B2	0	03	5	0	09		363/2B	0	04	5	0	11½
	262/2B1	0	07	0	0	18		453/4B	0	06	0	0	15½
	263/2	0	02	0	0	05		461/5A2	0	14	5	0	36
	264/2	0	10	5	0	27		455/2B	0	05	5	0	13½
	468/9A	0	02	0	0	05		365/1B	0	07	0	0	18
	468/10A	0	02	0	0	05		454/2	0	02	5	0	06
	468/6B	0	01	0	0	02½		455/3A	0	03	5	0	08½
	468/7B	0	04	5	0	11		364/2	0	03	0	0	08
	468/4B	0	03	5	0	09		365/3A1	0	08	0	0	20
	468/8B	0	03	0	0	07		365/3A2	0	07	5	0	19
	467/3B	0	01	0	0	02½		365/3A3	0	07	5	0	19
	467/5B	0	04	0	0	09½		369/2	0	02	5	0	06
	467/3B	0	04	0	0	09½		359/6B	0	07	5	0	19
	467/6B	0	03	0	0	07		359/8B	0	09	5	0	24
	469/1A	0	08	5	0	21		358/2	0	09	5	0	23
	467/1B	0	01	0	0	02		358/4	0	21	5	0	54
	467/4B	0	11	5	0	29		348/2B	0	03	0	0	07
	465/2	0	03	5	0	09		352/1	0	05	0	0	12
	471/B1	0	02	0	0	05		351/1B	0	09	5	0	24
	467/2B	0	05	5	0	13½		351/1D	0	10	0	0	25
	464/4A2	0	01	0	0	03		353/2	0	05	5	0	14
	464/4B2	0	04	5	0	11			3	56	5	8	91
	464/4C1	0	03	5	0	09	GEDDADA	129/2	0	03	0	0	07
	463/2B	0	03	0	0	07		130/2A	0	05	0	0	12
	463/1A2	0	02	5	0	06		130/2C	0	01	0	0	02
	462/7B1	0	20	5	0	51		130/2B	0	03	5	0	09
	462/7B2	0	05	0	0	14		130/2C	0	04	5	0	11
	462/8C	0	03	5	0	09		130/2D	0	13	0	0	32
	453/6B1	0	06	0	0	15½		130/2F	0	17	0	0	42
	462/3B	0	01	5	0	03½		131/A2	0	01	0	0	03
	453/6B2	0	04	0	0	10		131/B2A	0	17	0	0	43
	453/7B	0	04	5	0	10½		131/B2B	0	04	5	0	11
	359/3B	0	00	5	0	01		132/2	0	03	5	0	09
	359/4B	0	07	0	0	17		135/2B	0	10	5	0	26
	351/2B	0	05	5	0	14		134/1B	0	02	5	0	06
	453/8B	0	05	5	0	14		134/3B2A	0	12	0	0	30
	453/9A	0	06	0	0	15½		134/3B2B	0	03	0	0	07
	456/11B	0	01	0	0	02		134/4B1	0	00	5	0	00½
	456/12B	0	03	5	0	08½		134/4B2	0	09	5	0	24

1	2	3	4	5	6	7	1	2	3	4	5	6	7
GEDDADA	134/4B3	0	02	0	0	05	NAGARAM	101/5B1	0	06	0	0	15
	136/1B	0	04	0	0	10		109/5C2	0	13	5	0	34
	136/2B2	0	08	0	0	20		109/2	0	02	0	0	06
	137/1B	0	09	5	0	24		110/2B	0	11	0	0	27
	137/2B	0	10	0	0	26		111/3A5B	0	00	5	0	00½
	136/2B2	0	13	5	0	54		111/3A6B	0	07	0	0	18½
	141/1B2	0	06	0	0	15		111/4A2A	0	13	0	0	32
	141/2B2	0	06	0	0	15		111/4A2B	0	02	0	0	05
	141/3B2	0	05	0	0	13		112/1A2	0	05	0	0	12
	141/4B2	0	03	0	0	08		112/1B1A	0	03	0	0	07
	141/5B	0	04	0	0	11		159/2B	0	03	5	0	09
	15/1A1	0	00	5	0	01		158/8B	0	05	5	0	14
	15/1B2	0	11	5	0	29		158/9A2	0	15	0	0	38
	15/2B2	0	08	5	0	21		158/9B1	0	03	5	0	09
	1/1A2	0	02	0	0	05		163/2	0	07	0	0	17½
	14/2A2A	0	04	0	0	10		164/1A2	0	13	0	0	32
		2	08	5	5	21½		164/1B2	0	03	5	0	09
NAGARAM	92/1B1	0	25	0	0	62		164/1E2	0	04	0	0	09½
	92/1B2	0	16	0	0	40		164/1P2	0	04	0	0	09½
	92/1B3	0	05	0	0	12		164/1G2	0	04	5	0	11
	92/2B	0	01	0	0	03		165/7A2	0	03	0	0	08
	95/2B	0	11	0	0	27½		32/3B	0	03	0	0	08
	95/3B	0	11	0	0	27½		165/7B1	0	07	5	0	18½
	96/2B	0	21	0	0	52		165/5B	0	04	0	0	10
	98/2	0	04	0	0	10		165/6B	0	11	5	0	28½
	103/1B	0	05	0	0	13		165/6C	0	10	0	0	28½
	102/5A2	0	15	0	0	37		32/4B	0	03	5	0	08½
	101/3B2	0	07	0	0	18		167/1A1	0	03	0	0	207
	101/3A2	0	02	5	0	06		32/5B	0	03	5	0	08½
	101/3D2	0	00	5	0	01½		32/8B	0	01	0	0	02½
	101/4B	0	00	5	0	01½		92/1B1	0	08	0	0	21
	101/5A1	0	05	0	0	13			3	14	0	7	84½

[No. O-12016/1(23)/2000-ONG/D-IV]

H. S. RAJORE, Desk Officer

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2629.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एवं सिन्ध बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-11-2000 को प्राप्त हुआ था।

[सं. एल.-12012/142/97-आईआर (बी-II)]

सी. गंगधरण, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 7th November, 2000

S.O. 2629.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 6-11-2000.

[No. L-12012/142/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 18/98

Jarnail Singh son of Mohan Singh,
C/o R. K. Parmar,
Quarter No. 35-G Nangal Township,
Ropar, Punjab. ... Workman

Vs.

The Asstt. General Manager,
Punjab & Sind Bank,
G.T. Road, Jalandhar. ... Management.

APPEARANCES :

For the workman—Shri R. K. Singh.

For the management—Shri J. S. Sathi, Advocate.

AWARD

Dated : 19-10-2000

1. The Central Government vide gazette notification No. L-12012/142/97/IR(B-II) dated 13th of January, 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab & Sind Bank in terminating the services of Shri Jarnail Singh w.e.f. 24-6-89

3174 GI/2000—10

is legal and justified. If not, to what relief the said workman is entitled and from what date?”

2. The case taken up today at the request of the workman. The workman has made a statement that the management has offered him a post of peon on regular basis and in view of that he do not want to persue with the reference any further. In view of the statement of the workman, there left no dispute for adjudication. No dispute award is returned to the Ministry. Ministry be informed.

Chandigarh.

19-10-2000.

B. L. JATAV, Presiding Officer

नई दिल्ली, 8 नवम्बर, 2000

का.आ. 2630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-11-2000 को प्राप्त हुआ था।

[सं. एल.-12011/140/99-आईआर(बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 8th November, 2000

S.O. 2630.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 7-11-2000.

[No. L-12011/140/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT, CHENNAI

Tuesday, the 31st October, 2000

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 34/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) & Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Employee and the Management of Punjab National Bank, Chennai)

BETWEEN

S. A. Rajan

Workman/I Party

AND

The Senior Regional Manager,
Punjab National Bank,
Chennai.

APPEARANCE :

For the Workman—Thiru V. Bhiman, Advocate.

For the Management—Authorised Representative.

REFERENCE : Order No. L-12011/140/99/IR(B-II) dated 21-1-2000, Ministry of Labour, Government of India, New Delhi.

This dispute on coming up before me for final hearing on 17-10-2000, upon perusing the reference, Claim Statement and Counter Statement and other material papers on record, the oral and documentary evidence let in on either sides and upon hearing the arguments of Thiru V. Bhiman, Advocate appearing for the Workman and the Authorised Representative appearing for the management and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

AWARD

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Shri S. A. Rajan, Workman and the Sr. Regional Manager, Punjab National Bank, Chennai, Management, mentioned as schedule appended to the order of reference.

The Schedule reads as follows :

‘Whether the management of Punjab National Bank is justified in debarring Shri S. A. Rajan w.e.f. 29-12-97? If not, to what relief the employee is entitled?’

On receipt of this reference, the dispute has been taken on file of this Court on 4-8-2000 as Industrial Dispute No. 34 of 2000 and notices were ordered to be sent by post to both the parties. Accordingly, notices to the both the parties were sent by Regd. Post for the hearing 18-8-2000. On that date the General Secretary of the First Party, Punjab National Bank Staff Union appeared, while the Second Party Management Bank was represented by its Personnel Officer, Mrs. Vidya Varma. Subsequently, Sri V. Bhiman, Advocate filed Vakalat for the First Party and filed Claim Statement of the First Party. For the Management Bank, a written statement was filed.

1. The averments in the Claim Statement filed by the Workman, First Party are briefly as follows :

The Workman, Sri S. A. Rajan, while working as a Clerk/Cashier at the Branch Office of the Punjab National Bank at Periamet, Chennai was asked to officiate as Special Assistant on 3-9-97 by the Branch Manager. Since, the said offer was declined by the Workman, First Party, the Management Bank debarred him from officiating for a period of one year and intimated the same to him by letter dated 17-9-97 intimating that the workman was debarred from officiating the post for a period of one year from 3-9-97. When the matter was informed to the Regional Manager's Office, they have refused to accept the declining of the offer of officiating as Special Assistant by the Workman S. A. Rajan through the Branch Office during December 1997. In the meanwhile, some of

the juniors to S. A. Rajan were asked to officiate as Special Assistant. The debarred status of S. A. Rajan continued w.e.f. 3-9-97 for a period of one year as per the rules and posting policy settlement of the Bank. Then, the Workman S. A. Rajan was asked to officiate as Special Assistant on 17-11-97 and again on 29-12-97. Those offers were also declined by S. A. Rajan as the period of earlier debar for a period of one year from 3-9-97 has not been completed. When S. A. Rajan pointed out the Bank that as per the posting policy of the Bank, a person who has been debarred from officiating as Special Assistant for a period of one year should not be asked to officiate before the expiry of that one year period and the Bank has grossly erred in giving the option to the Workman to officiate as Special Assistant on 17-11-97 and again on 29-12-97 without following the procedure. For that, the Bank authorities made it clear that the Workman, S. A. Rajan has been debarred from officiating for a period of one year from 29-12-97 to 29-12-98. As per the posting policy, in the event of a Workman declining to accept the offer to officiate as Special Assistant, the next chance for officiating has to be given after the expiry of the one year debarred period. As the refusal to accept the offer by S. A. Rajan was on 3-9-97, only on 2-9-98 the debarring period expires. So, the Workman, S. A. Rajan in the event of exercising his option to officiate as Special Assistant, he has to be permitted to officiate on and from 2-9-98. But contrary to this policy, the Bank Management had offered him two chances on 17-11-97 and 29-12-97 respectively and the same were rejected by the Workman, S. A. Rajan as it is opposed to the posting policy of the Bank. In the meanwhile, when some of the juniors were asked to officiate, the Workman, S. A. Rajan questioned the same. For that, the Bank has intimated him that he was debarred for a period of one year from 29-12-97. As such, the period for which the Workman, S. A. Rajan was debarred exceeds the actual period of 12 months. This act of the Bank is clear violation of settlement and convention and against the posting policy of the Bank. Between 2-9-98 and 28-12-98, the last date for applying for the officer examination fell on 25-11-98. Because of the Workman was debarred, he was prevented from submitting his application for Officer examination. Because of the irregularity committed by the Bank, the Workman S. A. Rajan has been put to great prejudice and hardship as many of his juniors sat for the Exam, were subsequently posted, thereby his promotional opportunities were also prevented. Thus the Workman, S. A. Rajan has been subjected to double jeopardy. Hence, the Hon'ble Court may be pleased to set right the irregularity committed by the Bank and thus render justice.

2. The averments in the written statement of the Management Bank are briefly as follows :

The relief asked for by the Workman in his Claim Statement is not sustainable either in law or in facts. In the relief prayed for the Workman has not clearly indicated as to what exactly he claimed as a relief. If at all the claimant/Workman is eligible for anything, he could have taken part in the examination conducted for promotion during November 1998, provided the debarring of the Workman for his refusal to officiate in the place of Special Assistant who went on

leave had expired on 2-9-1978. The Claimant was allowed to take part in the subsequent test which was held for promotion. But, however the Claimant did not get through the same. Therefore, in any event no relief as such can be claimed from the Management. On this ground alone, the claim of the petitioner has to be rejected. The employees of the Bank (other than Officers) i.e. Clerical and Sub-staff are governed by the Award and bipartite settlements, which are being entered into between the Unions at All India level and various banks. As per the bipartite settlement amended upto date, if any supervisory official goes on leave, the senior-most eligible clerk will be officiating in his place and allowance or such officiation will be paid to him for such days of officiation. Whenever bank requires the Workman to officiate in a post in a higher cadre, it will do so by an order in writing. Such adjustments would become necessary in the day to day working of the Branches and in the interest of smooth working, the Workman should carry out all reasonable orders of the local Branch Managers and local Management. Whenever the services of senior employees are required for the places/desks requiring experience and knowledge, no one can refuse to work in any such place or desks during exigencies and the employees cannot refuse to perform duties as a matter of right. On 3-9-97 and 13-9-97, there was an en masse refusal by the Clerks to officiate as Special Assistant at the Periamet Branch of the Management Bank. The claimant is also one among them. Though the Branch Manager had issued "Debar" letter when the functioning of the Branch was hampered, he had taken up the matter with the Management Bank which did not approve the "Debar" effected, as en masse refusal to officiate in higher cadre will amount to "Restrictive Practices" under the Bipartite Settlement. It also amounts to misconduct under the Bipartite Settlement. The same was communicated to the employees by the Branch Manager on 23-9-97 as this will affect efficient, courteous and speedy customer service in the Branch. This will be against the spirit of the agreement between JBA, AIBEA and NCBE on "Restrictive Practices" in Banking industry. In view of this fact, the senior clerks were again offered officiation subsequently. However, they had again refused to officiate as Special Assistant thereby disturbing the normal functioning of the office besides affecting the effective customer service. During the year 1997, branch was incurring heavy loss and consequently, Bank was not in a position to provide additional officer staff. Hence, it was not possible to allow senior clerk to work as Special Assistant in exigencies. When senior clerks refused to officiate as Special Assistant, the work suffered. Therefore, the Bank decided to instruct and insist the senior clerks to work as Special Assistant and there letter of refusal was not accepted. When the Branch Manager issued office orders on 29-12-97 advising the petitioner to officiate as Special Assistant, he declined and next senior clerk accepted to officiate and the Bank's work was carried on smoothly. Only in view of the above refusal of the petitioner, he was debarred from officiating as well as permanent posting as Special Assistant (IMG scale-I Officer w.e.f. 29-12-97). Though the Branch Manager issued letters debarring the clerks including the petitioner when they refused en masse to officiate as Special Assistant at the Periamet Branch on 3-9-97 and 13-9-97, the Regional

Office had not approved the debarring when the matter was taken up with them. The same was communicated to the petitioner by the Branch Manager in the letter dt. 25-9-97. Therefore, the contention of the petitioner that since he was debarred for one year from 3-9-97, he should not be asked to officiate is incorrect and untenable. The contention of the petitioner that he rejected the officiation on 17-9-97 and 29-12-97 in view of the policy of the bank that the debarred person cannot officiate is devoid of merits and truth. His contention that the action of the bank is in violation of settlement and convention is without any basis. In view of the refusal of the petitioner and in view of the facts that the operations and business of the Bank has to run smoothly, the Bank had to necessarily call upon the juniors to officiate and such an action of the Bank is permissible in law and does not violate any settlement. No prejudice has been caused to the petitioner since he took on the subsequent test, but however, did not get through the same. So, no serious prejudice and hardship has been caused to him. The petitioner was debarred only from 29-12-97 for a period of one year upto 28-12-98 and hence, the contention of the petitioner that the Bank has committed an irregularity by extending the debarred period and also preventing his promotional opportunity thereby putting the petitioner to double jeopardy is untenable, incorrect and totally false. Hence, the petitioner claim is liable to be rejected as there are absolutely no merits. Hence, it is prayed that the Hon'ble Tribunal may be pleased to hold that the action of the Bank is legal and valid and the employee is not entitled to any relief from the Bank.

3. When the matter was taken up for enquiry, the learned Council appearing for the Bank's staff Union which has raised this Industrial Dispute on behalf of the employee, S. A. Rajan and the authorised representative of the employer Bank represented that they have no oral or documentary evidence to let in on their respective sides and made endorsements to that effect in the respective Claim Statement and Counter Statement. Both of them have advanced their arguments.

4. The Point for consideration is : Whether the action of the Management Bank referred to in the schedule is justified ? If not to what relief the employee is entitled to ?

5. Point Though, the learned Council for the Bank Union, the claimant herein has reiterated in his argument that as per the posting policy of the Bank, a person who has been debarred from officiating as Special Assistant for a period of one year should not be asked to officiate within the expiry of that one year period by the Bank has not been supported substantially either by documentary or oral evidence. It is the common case of both the parties that the offer made by the Bank on 3-9-97 to officiate as Special Assistant was refused inclusive of the Senior Clerk, Thiru S. A. Rajan and consequently, the Periamet Branch Manager of the employer Bank had issued 'Debar' letter on the en masse refusal by the Clerks to officiate as Special Assistant. It is contended in the Counter Statement of the employer Bank that this action of the Branch Manager when it was taken up with the Senior Regional Manager of the Bank, it was not approved.

This contention of the employer Bank has been admitted in para 3 of the Claim Statement. It is the common case of both the parties that the employee, S. A. Rajan was again ordered to officiate as Special Assistant on 29-12-97, and the said Thiru S. A. Rajan has refused to do the same and consequently he was debarred for one year from 29-12-97 to 28-12-98. It is contended in the Counter of the employer Bank itself that subsequent to the Regional Office's non-approval of the debarring order passed by the Branch Manager when the employee's refusal was made by the Clerk to accept the offer of officiating as Special Assistant, the Branch Manager has communicated the same to the petitioner by a letter dt. 23-9-97 is not disputed or denied as false but it is admitted by the Claimant that it is in Dec., '97. From this, it is seen that the earlier order of debarment on the refusal to accept the offer made on 3-9-97 was not given effect to, by the employer Bank. Under such circumstances, the contention of the claimant Bank Union on behalf of the employee, Thiru S. A. Rajan that the debarment order was in force from 3-9-97 till 2-9-98 for a period of 12 months effectively is not true besides it is opposed to the facts as such. Hence, under the circumstances, the contention made by the Bank Union that within the expiry of one year period of 'Debar' on 2-9-98, the employer Bank has erred in giving the option to the employee, S. A. Rajan to officiate as Special Assistant on 17-11-97 and again on 29-12-97 without following the procedure is not correct. It cannot be denied, as contended by the employer Bank, that the refusal to officiate as Special Assistant by senior clerks when the offer is made to them, the normal functioning of the office is disturbed besides affecting the effective customer service. It is also not denied that when the employee, Thiru S. A. Rajan declined to officiate as Special Assistant when the Branch Manager issued office orders on 29-12-97, the next senior clerk accepted to officiate and the Bank's work carried on smoothly. It is also not denied that as per the Bipartite Settlement amended upto date, if any supervisory official goes on leave, the seniormost eligible clerk will be officiating in his place and allowance for such officiation will be paid to him for such days of officiation. Under such circumstances, an offer to officiate as Special Assistant is made to the senior clerk of the Bank is only to his advantage and monetary benefit. The averment in the Counter Statement that under the Bipartite Settlement, refusal to work by any employee on any desk amounts to misconduct is not denied by the Bank Staff Union, the claimant herein. The contention of the Bank Staff Union, that the employee of the Bank, Thiru S. A. Rajan was debarred for a period which exceeds 12 months and it is against the posting policy of the Bank and clear violation of settlement and convention. For this contention, no proof or particulars is given by the Bank Staff Union, the claimant herein, as to what was the settlement, when and between whom, it was entered into and what the convention and where that convention is mentioned? So, under such circumstances in the absence of any acceptable evidence or proof, it cannot be said that the posting policy of the Bank is a clerk violation of settlement and convention.

6. In the schedule, it is mentioned to assess the action of the Management Bank in debarring Thiru S. A. Rajan w.e.f. 29-12-97 as to whether it is justified. From the available facts in this case, it is seen

that the said action of the Management Bank is justified and hence the employee, Thiru S. A. Rajan is not entitled to any other relief.

7. The period of 'Debar' i.e. one year from the date of 29-12-97 admittedly came to an end on 28-12-98. So, as such, as on date, it has become infructuous. Further, nothing has been substantially established by the Bank Staff Union to hold, serious prejudice has been caused to the employee, Thiru S. A. Rajan which can be compensated by granting suitable relief. Further, the claimant, the Punjab National Bank Staff Union has not prayed for any specific relief under this claim. It is simply prayed in a vague manner, to set right the irregularity committed by the Respondent Bank in this respect.

8. So, on the basis of the above findings, I hold that the action of the Management of Punjab National Bank is justified in debarring Thiru S. A. Rajan w.e.f. 29-12-97 and the employee is not entitled to any relief. Thus, I pass this award accordingly. Each party to bear their own cost.

Dictated to the Stenographer and typed by him direct and corrected and pronounced by me in the open court on this day, the 31st October, 2000.

K. KARTHIKEYAN, Presiding Officer

WITNESS EXAMINED

For Claimant/Union : None.

For Respondent/Mgmt. : None.

DOCUMENTS MARKED

For the Claimant/Union : Nil.

For the Respondent/Mgmt. : Nil.

नई दिल्ली, 9 नवम्बर, 2000

का.अ. 2631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनाइटेड वेस्टर्न बैंक लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कार्यकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण-I, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-11-2000 को प्राप्त हुआ था।

[सं. एल.-12012/39/99-आईआर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 9th November, 2000

S.O. 2631.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Western Bank Limited and their workman, which was received by the Central Government on 8-11-2000.

[No. L-12012/39/99-I.R (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

नई दिल्ली, 9 नवम्बर, 2000

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Syed Abdullah, B.Sc., B.L.,
Industrial Tribunal-I,
Dated, 18th Day of October, 2000
Industrial Dispute No. 53 of 1999

BETWEEN :

The General Secretary
of Andhra Pradesh Bank
Workers Organisation,
1-8-565/5 R.T.C. X Roads,
Hyderabad.

... Petitioner/
Workman.

AND

The Deputy General Manager,
United Western Bank Limited,
172/4, Ravi Vari Peth, Shivaji Circle,
Satara-415001.

... Respondent/
Management.

APPEARANCES :

Sri Praveen Kumar Advocate for the Petitioner
M/s. T. V. Rajeevan and V. R. Balachary,
Advocates for the respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by order No. L-12012/39/99-I.R.(B-1), dated 16-8-1999 referred the following dispute under Section 10(1)(d) of the Industrial Dispute Act, 1947 for adjudication specified in the Schedule,

"Whether the action of the management of United Western Bank Ltd., Satara in dismissing Sri Om Prakash, Sweeper is legal and justified? If not, what relief the said workman is entitled to?"

2. After receipt of the said reference this Tribunal issued notice to both the parties. Both the parties have put up their appearance through their advocates. The matter was posted for filing their respective statements. The matter was adjourned from time to time i.e. from 21-1-2000 to 3-10-2000. On 3-10-2000 respondent filed his statement and the matter was posted to 18-10-2000 for filing the claim statement of the petitioner. On 18-10-2000 no representation was made for the petitioner upto 5 P.M. Respondents counsel present. As the petitioner and his counsel are continuously absenting to prosecute the case, this case is dismissed for default and thereby NIL award is passed.

Typed to my dictation corrected by me and given under my hand the seal of this Tribunal on this the 18th Day of October, 2000.

SYED ABDULLAH, Industrial Tribunal-I

Appendix of evidence.

NIL

का. अ. 2632.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एयर इंडिया लिमि. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 8-11-2000 को प्राप्त हुआ था।

[सं. एल. 11012/35/97-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th November, 2000

S.O. 2632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Ltd. and their workman, which was received by the Central Government on 8-11-2000.

[No. L-11012/35/97-I.R.(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT., LABOUR COURT, CHENNAI

PRESENT :

Thiru A. Ahamadullah, B.Sc., B.L.,
Presiding Officer,
Wednesday the 25th Day of October, 2000
Industrial Dispute No. 15 of 1998

BETWEEN :

Thiru B. G. K. Moorthy,
14, Ranga Colony,
Nanganallur, Chennai-600114.

AND

The Chairman,
Air India, Air India Buildings,
Nariman Point, Bombay-400021.

AWARD

This industrial dispute has been referred to this court for adjudication of the dispute between the workman Thiru B. G. K. Moorthy and the management of The Chairman, Air India, Bombay, by the Govt. of India, Ministry of Labour, by G. O. No. L-11012/35/97-I.R. (Coal I), dated 9-6-98, on the following issue :

"Whether the action of the management of Air India Ltd., Madras in dismissing Thiru B.G.K. Moorthy, Ex-Junior Security Officer from service vide order dated 13/15-11-1989 is justified? If not, to what relief is the said workman entitled?"

2. The workman filed claim statement but the management did not file any counter statement.

3. When the dispute was taken up for enquiry on 20-10-2000 there was no representation for the respondent. Counter was not filed. Pending for several hearings for filing counter. Respondent was called absent and was set ex parte. To-day the petitioner is present and has been examined as W.W.1. Ex.W.1 to W-4 have been marked Claim proved. In the result as the petitioner already attained superannuation on 21-12-95, an award is passed directing the respondent to pay back wages and other attendant benefits with costs of Rs. 500/-.

Dated at Chennai, this the 25th day of October, 2000.

A. AHAMADULLAH, Presiding Officer

LIST OF WITNESSES EXAMINED :

FOR THE WORKMAN :

W.W.1—B. G. K. Moorthy.

FOR THE MANAGEMENT :

— NONE —

LIST OF EXHIBITS MARKED :

FOR THE WORKMAN :

Ex.W.1/ . . . —Xerox copy of the passport of the petitioner.

Ex.W.2/13/15-11-89—Xerox copy of dismissal order issued to the petitioner.

Ex.W.3/ . . . —Xerox copy of the school transfer certificate.

Ex.W.4/ . . . —Xerox copy of the application for the post of Jr. Security Assistant by the petitioner.

FOR THE MANAGEMENT :

—NIL—

नई दिल्ली, 7 नवम्बर, 2000

का.अ. 2633.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्कल इलेक्ट्रो कास्टिंग, प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं.एल-26011/3/98-आईआर(विविध)]

बी.एम. डेविड, अव्वर सचिव

New Delhi, the 7th November, 2000

S.O. 2633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the

Central Govt. Industrial Tribunal-cum-Labour Court, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the Utkal Electro Casting Pvt. Ltd. and their workmen which was received by the Central Government on 1-11-2000.

[No. L-26011/3/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA,
Industrial Dispute Case No. 20/98(C)

Dated, the 22nd July 2000

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

M/s. Utkal Electro Casting
Pvt. Ltd, Contractor,
Friends Colony, Cuttack
Cuttack-753001

...1st party.

AND

The Secretary,
United Mines Mazdoor Union,
At : Anl Smruti Sadan, Barsua,
Dist : Sundargarh.

...IInd party.

APPEARANCES :

For the 1st party—None.

For the IInd party.—In person.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of I.D. Act have referred the following disputes for adjudication vide no. L-26011/3/98 IR(M) dt. 17-8-98:

Whether the closure of the establishment of the management of M/s. Utkal Electro Casting (P) Ltd. for the period from 1-6-96 to 11-6-96 and 1-7-96 to 12-7-96 without giving any notice or following laid down provisions in the Industrial Disputes Act is legal and justified? If not, whether the workmen are entitled for the wages during the period in question?

2. The case of the 2nd party union is that the 1st party management was awarded contract by Chief Engineer (C), project and Modernisation, R.S.P. for execution of water Reclamation Treatment Plant and for that the management employed more than 57 workmen on 1-1-90. But all of a sudden the 1st party management without issuance of notice and reasons denied workmen to discharge or perform their duties w.e.f. 1-6-96 to 11-6-96 and 1-7-96 to 12-7-96, which is illegal and unjustified. So the 57 workmen are entitled to get their wages and other benefits.

3. Notices under registered post were sent to the 1st party management through Tribunal, but as it did not prefer to attend the office, it was set exparte.

4. To prove its case, the 2nd party union has filed affidavit evidence being sworn by Sri A. K. Choudhury Secretary of the union. The facts stated in the statement of claim filed by the 2nd party is corroborated with the facts stated in the affidavit evidence. Since the stand of the 2nd party is unchallenged, the same is accepted. So it is held that the closure is illegal. Hence the 2nd party workmen are entitled to get their wages and benefits for the period of closure.

Accordingly the reference is answered.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.अ. 2634.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार काल्टा आइरन माइन्स के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं.एल-26011/7/99-आईआर(विधि.)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial Tribunal-cum-Labour Court, Rourkela as shown in the Annexure, in the Industrial dispute between the employers in relation to the Kalta Iron Mines and their workmen which was received by the Central Government on the 1-11-2000.

[No. L-26011/7/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER:-
INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No 1/2000

Dated, the 29th September, 2000

PRESENT:

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

Asst. General Manager,
Kalta Iron Mines. RMD,
SAIL, P.O.: Kalta,
Dist.: Sundargarh.

.... Ist party

AND

Their workmen, represented by
General Secretary,
North Orissa Workers Union,
At: Urampara,
P.O.: Rourkela,
Dist.: Sundargarh.

... IInd party

APPEARANCES:

For the Ist party.—None.

For the IInd party.—Sri B. S. Pati, General Secretary.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide No. L-26011/7/99-IR(M) dt. 14-12-99:

"Whether the action of the management of Kalta Iron Mines of Raw Materials Division, SAIL, in withdrawing the reward scheme to their workmen from 31-3-98 without giving any notice is justified? If not, to what relief the workmen are entitled?"

2. The case of the 2nd party workmen in brief is as follows:

That the management suddenly without any notice stopped payment of reward with effect from 1st April, 1998 in violation of the provision of I.D. Act i.e. section 9-A of the Act. After getting information the workers drew attention of the management, but the representative of the management informed that the same would be paid after the receipt of the file from the headquarter. Thereafter they sent letter to the management, but the management did not take any action. So they pray to pass the award in their favour.

3. Notices under registered post were sent to the management through tribunal but as it did not prefer to attend the office, he was set exparte.

4. To prove its case, the workmen has filed affidavit evidence being sworn by Sri B. S. Pati, General Secretary. The facts stated in the affidavit corroborate the facts stated in the statement to claim filed by the 2nd party. So since the case of the 2nd party stands unchallenged, the same is allowed and the management is directed to pay the reward with effect from April, 1998 to the 2nd party workmen.

ALAK KUMAR DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.अ. 2635.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोलाणी ओरस माइन्स, आर.एम.डी. किशनगार के प्रबंधन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं.एल-26011/8/96-आईआर(विधि.)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2635.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Bolani Ores Mines, R.M.D. Keonihah and their workman, which was received by the Central Government on 1-11-2000.

[No. L-26011/8/96-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER:-
INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No. 140/97(C)

Dated, the 6th July, 2000

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

Dy. General Manager,
Bolani Ores Mines, R.M.D.,
SAIL, P.O. : Bolani,
Keonjhar.

.. 1st party

AND

Their Workmen,
represented by President,
Keonjhar Mining Workers Union,
At : Bolani,
Dist. : Keonjhar.

.. 2nd party

APPEARANCES :

For the 1st party.—None.

For the 2nd party.—None.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide No. L 26011/8/96-IR(M) dt. 27-12-96 :

"Whether the demand of the Keonjhar Mining Workers Union, to regularise the contractors workmen engaged through M/s. J. N. Sharma, Contractor and M/s. Lakha Singh in Sweeper and Canteen jobs and to pay V.D.A. at par with the regular workmen by the management to Bolani Ores Mines, Raw Materials Division, SAIL, Dist. Keonjhar is justified? If so, to what relief the workmen are entitled?"

2. Today the case is posted for hearing. But on calls, neither of the parties are found present. So it is found that at present they have no dispute between themselves or they have settled the dispute outside the court in the mean time. Accordingly no dispute award is passed.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. आई. ओ. पी., डिपार्टमेंट नं. 4, किरादुन के प्रबंधन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल.-26012/14/96-आईएमएर (विविध.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2636.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management B.K.O.P. Dep. no. 4, Kirandul and their workman, which was received by the Central Government on 1-11-2000.

[No. L-26012/14/96-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/156/96

Presiding Officer : Shri K. M. Rai

Shri B. D. Mohananchary

.. Applicant

Versus

The 'Sr. G. M.,
B.I.O.P., Dep. No. 14,
Kirandul, dist. Bastar

.. Non-applicant

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide order No. L-26012/14/96. IR(Misc.) dated 12-8-96 has referred the following dispute for adjudication by this tribunal—

"Whether the order of the management of Kirandul in awarding the punishment of reduction of Shri B. D. Mohananchary Carpenter Grade-II and Grade-III is fair and justified? If not, what relief the workman is entitled?"

2. Parties to the dispute expressed desired not to press their claim on 18-10-2000. In view of this fact, no dispute exists between the parties.

3. On the forgoing reasons the reference is decided against the workman and in favour of the management.

4. Copy of award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ओ. एम. सी., लि., किओनझर के प्रबंधन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय राठूरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल.-29011/7/91-आईएमएर (विविध.)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2637.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. OMC Ltd. Keonjhar and their workman, which was received by the Central Government on 1-11-2000.

[No. L-29011/7/91-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 17/97(C)

Dated, the 19th September, 2000

Present :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Raipur.

BETWEEN

1. General Manager,
M/s. O.M.C. Ltd., Barbil Zone,
Keonjhar.
2. Sri D. K. Mishra, contractor
Khandabandh Iron Ore Mines,
Keonjhar ... 1st party

AND

Sri Debraj Sahu & 7 others,
Khandabandh Iron Ore Mines,
O.M.C. Ltd., P.O. Khandabandh,
Distt. : Keonjhar ... 2nd party

APPEARANCES :

For the 1st party.—Sri B. Mishra, Advocate.

For the 2nd party.—Sri N. C. Mohanty, Advocate.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide no. L-29011/7/91-I.R. dt. 8-1-92 :

Whether the action of the management of Orissa Mining Corporation Ltd., Barbil in not making payment of wages to Sri Debraj Sahu and seven others, supervisory staff, employed by D. K. Mishra Contractor of Orissa Mining Corporation Ltd., at Khandabandh Iron Ore Mines for the period from 1-12-88 to 31-8-89 is justified? If not, to what relief the concerned workmen are entitled?

2. The claim of the 2nd party in brief is as follows : The 1st party no. 1, O.M.C. issued license to 1st party no. 2, M/s. D. K. Mishra as contractor for mining the Iron Ore at their Khandabandh Iron Ore Mine Project w.e.f. 4-9-86. The contractor engaged 2nd party workmen as contract labourers to supervise the work of 242 workers engaged by him. But suddenly contractor stopped payment of wages to the 2nd party workmen w.e.f. 1-12-88. The 2nd party made representation to the Labour Enforcement Officer, Central, Barbil and during the conciliation proceedings both the 1st parties confirmed that the 2nd party have not been paid their wages from 1-12-88 to 31-8-89 and assured to make payment. That in spite of assurance that 1st party management did not pay the wages for the above period. Hence prayer for payment of the same.

3. In reply, the 1st party no. 1, O.M.C. admits that 1st party no. 2 was issued license as contractor for mining Iron Ore. But the 2nd party workmen were never engaged by O.M.C. and as such there is no employer & employee relationship between them. That the 2nd party workmen might have been employed by 1st party no. 2 contractor as supervisory staff. The 1st party not again contend that the contractor was the employer of eight 2nd party supervisors. The contractor abandoned his contract without notice w.e.f. 16-9-89. Since 2nd party workmen were supervisory staff they are not workman coming within the definition 'workman' as provided u/s 2(s) of the Act. They were managing the day to day work on behalf of the contractor in the matter of deployment of workers for various works. That in the conciliation proceedings before L.E.O. Central, Barbil the representative of the contractor denied any knowledge about the due wages of these persons. That since they were not workmen the 1st party management is not entitled to pay their wages. Hence prayer for dismissing the case against it.

4. The 1st party no. II, the contractor filing written statement admits that it was engaged as contractor by O.M.C. to execute the work entrusted to him. The 1st party man-

agement was selecting and employing the workmen and the duty of the contractor was to engage them to execute the work. So the contractor had no economic control over the 2nd party workmen. The contractor never issued appointment order to those 2nd party workmen. The 1st party management was maintaining Form-B register of the 2nd party workmen and their attendance register in 'D' form. Hence prayer for excluding him for making the payment.

5. On the aforesaid analysis, following issues have been framed :

- (i) Whether the reference is maintainable?
- (ii) Whether the 2nd party members are workmen as defined under the I.D. Act?
- (iii) Whether the action of the management of Orissa Mining Corporation Ltd., Barbil in not making payment of wages to Sri Debraj Sahu & seven others supervisory staff, employed by Sri D. K. Mishra, Contractor of Orissa Mining Corporation Ltd at Khandabandh Iron Ore Mines for the period from 1-12-88 to 31-8-89 is justified?
- (iv) If not, to what relief the concerned workmen are entitled?

6. Issue no. II :—The learned representative of the management submits that these eight 2nd party workmen were working as supervisor for the contractors and as such they cannot be termed as "workmen" as defined u/s 2(s) and therefore this reference is not maintainable. In reply, the representative of the 2nd party submits that simply from the designation of an employee his nature of work cannot be known. Whether a workman is a supervisor or not can be decided only from the nature of work he does. In support of his contention, he invite my attention to the following decisions reported in 1993-1 LLJ-127 (Gwalior Investment Co. Pvt. Ltd. Vrs. K. M. Desai, Member, Industrial Court and others). Hon'ble Justice of the Bombay High Court has held that the 2nd party respondent had none of the power which are normally exercise by a person who is in a supervisory category. The Supreme Court has held that a person would not cease to be a workman if he performs some supervisory duties. In a decision reported in II-LLJ-1994-1153-S.C. the apex court deciding as to who is a workman has observed that this question is to be decided with reference to the principal duties and function of the employees. Therefore the question was whether the Shop Manager in charge of a shop of a Big company is a workman or not. The apex court held that he is not a workman though he is incidentally doing some clerical work. It further observed that it is not necessary that he should be vested with powers to appoint or discharge employees under him. Keeping these principles in mind I will now discuss whether the 2nd party's are to be accepted as 'workman' or not. Section 2(s) of the I. D. Act defines workman and its relevant portion is as follows :

"Workman" means any persons employed in any industry to do clerical or supervisory work in hire or reward. . . . But does not include any such persons :

I : xxx

II : xxx

III : xxx

IV : who being employed in a supervisory capacity draws wages x x x x or exercise over by nature of the duties attached to the office or by reason of the power vested in him function mainly of a managerial nature. Now it is to be seen what was the nature of duties they were performing.

In para 5 of their statement of claim the 2nd party have admitted that the contractor engaged them to supervise the performance of other 242 workers engaged by the contractor under him for mining iron ores. That means they admits that they were not doing the work as those 242 workers but supervising their work WW 1 (One of the 2nd party member) has admitted in cross-examination that the contractor had given them appointment as supervisor in Form-B register. The 2nd party Debraj Sahu has been shown as register keeper and the rest 7 workmen are designated as supervisors. WW2 is another 2nd party workmen. He admits being appointed as supervisor by the contractor, 1st

party no. 2. As supervisor his job was to take attendance of the workers to check their work, to take measurement of their work and to keep accounts of the transportation of raised ores. Debraj Sahu was simply maintaining the register. W.W.3 is another 2nd party workman. He states that 2nd party workman Debraj Sahu is now dead. He states that his work was to take attendance of the employees and to look after their work. The other 2nd party workmen were also doing the same work. They were supervising the work of the contractor. He admits that since they are supervisors of 1st party no. 2 contractor the C.M.C. did not make payment to them. M.W.1 states that the 2nd party members were appointed as supervisors by the contractors and doing supervisory work.

7. From the above evidence of witnesses it is clear that contractor had engaged 242 workers to work in the mines and the 2nd party members were engaged to supervise their work and not to work like them. Their nature of work is different from those 242 workers. They admitted being appointed as supervisors and they were doing supervisory work which was totally different from the work of those 242 workers. So from the above discussion it is held that the 2nd party members were doing managerial work being supervisory staff and not workmen. Therefore this reference is not maintainable.

8. Issue no. III :—Admittedly the 2nd party members were working under 1st party no. 2, the contractor. The contractor admits in his W/S not making payment to them for the period claimed by them. But since this reference is not maintainable as they are not workmen no order can be passed giving direction to 1st party management to clear their dues.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुन्दरगढ़ माईनिंग लेवर कान्ट्रेक्ट, को-ओप. सोसाइटी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल-29011/20/95-आईप्रार (निविद)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2638.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employer in relation to the management Sundergarh Mining, Labour Contract, Co-op. Society Ltd. and their workman, which was received by the Central Government on 1-11-2000.

[No. L-29011/20/95-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER: INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No. 100/97(C)

Dated, the 19th September, 2000

PRESENT:

Shri A. K. Dutta, O.S.J.S.
(Sr. Branch)

Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN:

The Secretary,
Rourkela Shramik Sangh (INTUC)
PO: Purnapani, Dist.: Sundergarh.

.. Ist Party.

AND

1. The Secretary Sundergarh Mining
Labour Contract Co-op. Society Ltd.

2. SAIL, Raw Material Division,
Rourkela.

.. IInd Party.

APPEARANCES:

For the Ist Party
For the IInd Party

.. None.
.. Sri U. K. Mishra,
Advocate.

Sri R. C. Tripathy,
Law Officer.

AWARD

The Govt. of India in Ministry of Labour Department in exercise of their power conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 have referred the following dispute vide reference No. L-29011/20/95-IR (Misc.) dated Nil for adjudication.

"Whether the action of Sundergarh Mining Labour Contract Co-operative Society Limited, Contractor Purnapani Limestone & Dolomite Quarry, RMD, SAIL, PO: Purnapani, Dist.: Sundergarh in not giving semi-skilled workers to the workmen (list enclosed) was justified? If not, what relief the workmen are entitled to?"

2. The case is fixed today for hearing. None appear for the Ist Party-Union. The representative of the management are present, but do not want to adduce any evidence. Hence it can be presumed that at present there is no dispute existing between them or they have amicably settled the dispute out side the Court in the mean-time. Accordingly No Dispute Award is passed.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लंजिबर्ना लाइम स्टोन, क्वारी के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल-29012/5/98-आईप्रार (निविद)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 7th November, 2000

S.O. 2639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Indus. Tribunal-cum-Labour Court, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the Lanjiberna Lime Stone Quarry and their workmen which was received by the Central Government on the 1-11-2000.

[F. No. L-29012/5/98/IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER: INDUSTRIAL TRIBUNAL: ROURKELA

Industrial Dispute Case No. 16/98 (C)

Dated, the 25th July, 2000

PRESENT:

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN:

The Chief General Manager,
Lanjiberna Limestone Quarry,
of OCL India Ltd., PO : Lanjiberna,
Dist : Sundergarh.

.. Ist party.

AND

Sri Antony Gray,
C/o. D. Q. Lima, Cox Colony,
Iharsuguda.

.. IInd party

APPEARANCES:

For the Ist party

.. Sri G. Pujhari,
A.R.

For the IInd party

.. In person

AWARD

The Govt. of India in the Ministry of Labour in exercise of power conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide no. L-29012/5/98/IR (M) dated 22-7-98:

"Whether the termination of Sri Antony Gray by the management of OCL India Ltd. Lanjiberna Limestone Quarry w.e.f. 14-3-97 is legal and justified? If not, to what relief the workman is entitled to?"

2. To-day both parties filed a joint petition along with memorandum of settlement and pray, to pass the award in terms of the settlement. The terms of settlement are read over and explained to the parties. Both agreed to the terms of settlement. So the settlement is accepted and made as a part of this award. Accordingly award is passed.

A. K. DUTTA, Presiding Officer.

FORM—K

(SEE RULE 6-1)

Memorandum of Settlement dated 21st July, 2000 between the Management of LANJIBERNA LIME STONE QUARRY, OCL INDIA LIMITED, Raigangpur and their workman SRI ANTONY GRAY.

Name of the Parties:

Representing Employer : SRI MOHAN LAL CHAND
EXECUTIVE DIRECTOR
OCL INDIA LIMITED,
RAJGANGPUR-770 017.

Representing Workman : SRI ANTONY GRAY,
WORKMAN
RAJGANGPUR-770 017.

SHORT RECITAL OF THE CASE

WHEREAS, Sri Antony Gray, the workman was working under Lanjiberna Limestone Quarry under OCL India Limited Raigangpur-770 017. He joined as a fitter in the year 1964 and subsequently promoted to the post of Mechanical Supervisor which continued till 23-11-1992.

AND WHEREAS due to family problem Sri Gray resigned from the services of the Company vide letter dated

18-11-1992 and requested the Company to accept the resignation with effect from 23-11-1992 and his requested was considered and he was paid off finally.

AND WHEREAS the Workman Sri Gray changed his mind and approached the Management to re-appointment him as a Mechanical Supervisor, in which capacity he was working prior to his resignation.

AND WHEREAS the Management considered his request and Sri Gray was issued with appointment letter dated 03-12-1992 and Sri Gray joined his duty on 4-12-1992.

AND WHEREAS, the services of Sri Gray was terminated with effect from 14-3-1997 after enquiry of the charges framed against him. Being aggrieved against the said termination, he raised an industrial dispute before the Assistant Labour Commissioner (C)-Cum-Conciliation Officer, Rourkela, which was admitted for conciliation.

AND WHEREAS, both the parties could not sort out their differences during conciliation proceeding and consequently a conciliation failure report was submitted by the Conciliation Officer, Rourkela to the Government of India.

AND WHEREAS, the Govt. of India vide its order No. L-29012/5/98/IR(M) dated 22-7-1998 was pleased to refer the Industrial Dispute to the Presiding Officer, Industrial Tribunal, Rourkela for adjudication in following term.

"Whether the termination of Sri Antony Gray by the management of OCL India Ltd., Lanjiberna Limestone Quarry w.e.f. 14-3-1997 is legal and justified? If not, to what relief the workman is entitled to?"

AND WHEREAS, the Presiding Officer, Industrial Tribunal, Rourkela registered the aforesaid case as an Industrial Dispute Case No. 16/98(C) and the same is pending for disposal.

AND WHEREAS, during pendency of industrial dispute before the Industrial Tribunal, Rourkela, the workman approached the Employer for mutual settlement.

AND WHEREAS, the well-wisher of both the parties intervened and suggested for a settlement and after discussion, both the parties hereto, agreed and resolved the said dispute on the following terms and conditions:

TERMS OF SETTLEMENT

1. That Sri Antony Gray, the workman accepts the termination and does not claim reinstatement and he will not agitate the matter of termination from service in future before any Forum in any form as he has accepted the separation.

2. That the Management of Lanjiberna Limestone Quarry, OCL India Limited, Raigangpur-770 017 on compassionate ground agreed to pay a sum of Rs. 22 500/- (Rupees twenty two thousand five hundred only) and the Workman accepts the same in full and final settlement of his claim. The said amount has been paid by Cheque No. 756462 dated 21-7-2000 on United Bank of India, Lanjiberna.

3. That both the parties agreed to file a petition before the Presiding Officer, Industrial Tribunal, Rourkela with a prayer to pass an award in terms of the settlement.

IN WITNESS WHEREOF the parties hereto put their signature on this 21st day of July 2000 in the presence of the following witnesses at Raigangpur.

WITNESS

For and on behalf of

(1) (LORNA GRAY)
WIFE OF WORKMAN

(ANTONY GRAY)
WORKMAN

(2) (RASMI RANJAN MOHANTY)
SERVICE, OCL INDIA LIMITED,
RAJGANGPUR-770 017.

(1) (S NARAYANAN)
OCL INDIA LIMITED
RAJGANGPUR-770 017.

For and on behalf of
OCL INDIA LIMITED

(MOHAN LAL CHAND)
EXECUTIVE DIRECTOR

(2) (G SASIBHUSHANA RAO)
SERVICE, OCL INDIA LIMITED,
RAJGANGPUR-770 017.

SRI A. K. DUTTA, Presiding Officer.

नई दिल्ली, 7 नवम्बर, 2000

का.आ. 2640:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को द्वारा 17 के प्रसारण में, केन्द्रीय सरकार उड़ीसा माइनिंग कॉर्पोरेशन लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कार्यों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय राउरकेला के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल.-29012/11/99-आईएमए (विविध.)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 9th November, 2000

S.O. 2640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Rourkela as shown in the Annexure, in the industrial dispute between the employers in relation to the Orissa Mining Corporation Ltd. and their workmen which was received by the Central Government on the 1-11-2000.

[No. L-29012/11/99/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 7/99(C)

Dated, the 1st July, 2000

PRESENT :

Sri Alak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela.

BETWEEN

The General Manager,
Orissa Mining Corporation Ltd.
P.O. Barbil, Keonjhar

.. Ist Party.

AND

Md. Sahid Equbal, represented by
the General Secretary, Keonjhar
Mines Mazdoor Union, PO : Guruda,
Distt. Keonjhar

.. IInd Party.

APPEARANCES :

For the 1st party—Shri S.C. Panda, Auth. Representative.

For the IInd party—Sri Maheswar Rout, Gen. Secretary.

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub section (1) and

sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide No. L-29012/11/99/IR(M) dated 16-6-99 :

"Whether the demand of Keonjhar, Mines Mazdoor Union, Guruda for granting trained teacher scale to Md. Sahid Equbal, trained teacher, S.G.B.K. Mn. Mines of Orissa Mining Corporation w.e.f. 8-11-93 is justified? If so, to what relief the workman is entitled to?"

2. The case of the 2nd party in brief is that he was working as a teacher in S.G.B.K. Mines U.P. school at Guruda. On 18-6-82 the O.M.C. took over the mines from exessie M/s Seorajuddin and Company. The school was also taken over alongwith its teacher staff. His service was regularised w.e.f. 14-9-87 giving scale of pay of Rs. 800 to Rs. 1250 since he was a matric untrained teacher. One Ajambar Mohanto who was a trained teacher was given the scale of Rs. 875 to Rs. 1425 by the 1st party management. After reision of the scale of pay the 2nd party's pay was fixed at Rs. 3795 whereas basic pay of Ajambar Mohanty was fixed at Rs. 4500. The 2nd party completed the E.T. training in May 1993 and as such applied for extending the scale of pay of a trained teacher. But the management has not yet listened to his prayer. Hence prayer for giving him the pay of a trained teacher from 8-11-93.

3. In reply, the management contends that Sri Ajambar Mohanto had possessed E.T. training on 31-10-84 in addition, to his passing the matriculation and so his pay was fixed at Rs. 875. But the 2nd party was only a matriculate and was as such not given the trained teacher scale. The management further claim that the 2nd party took the E.T. training without prior approval of the management. Therefore his claim is not tenable. Their further contention is that as per O.M.C., R and P Rules, the entry qualification of a teacher is trained matric having two years teaching experience and the post shall be filled up by direct recruitment as per the recommendation of the selection committee. The case of the 2nd party would be considered when he will appear for such interview. Hence prayer for rejecting the reference.

4. On the aforesaid analysis, following issues have been framed :

I : Whether the demand of Keonjhar Mines Mazdoor Union Guruda for granting trained teacher scale to Md. Sahid Equbal, trained teacher, S.G.B.K. Mines of Orissa Mining Corporation w.e.f. 8-11-93 is justified?

II : If so, to what relief the workman is entitled?

5. Issue Nos. I & II.—W.W.1 is the 2nd party. He states that the G.M.C. took over the school including the mines on 18-6-82 and he continued to work as a teacher in that Guruda Mining Primary U.P. School afed this take over. The G.M.C. has given his appointment order on 17-6-82 vide Ext. 1. After this taken over, the G.M.C. did not accept him and others into their cadre and did not give them the pay scale of its cadre. So he and others in total 34 persons filed a case before A.L.C. Rourkela which was transferred to Industrial Tribunal, Bhubaneswar and as per the Award in I.D. Case No. 61/87(C), the G.M.C. took them into their cadre post w.e.f. 14-9-87 fixing his basic pay at Rs. 800. Since the othed Asst. Teacher Ajambar Mohanto was a matriculate having E.T. training he was given basic pay of Rs. 875 from that date. But by them he had not taken E.T. training being not eligible to undergo the same (as not completed 10 years of service). After completing 10 years of service he took that training in 1992 as per acification Ext. C. The result was published in 1993 and so he made a representation to the management to give him the salary of a trained teacher. He states that in 1993 his basic pay was Rs. 975 whereas the basic pay of a trained teacher was Rs. 1230. As per revised scale applicable from 1-1-96 the basic pay of untrained teacher is Rs. 3,200 and that of a trained teacher Rs. 4,100. He is also entitled to this basic pay of Rs. 4100 from 1-1-96 being a trained teacher. His representation was not considered by the management. To appear for the E.T. Training he applied for leave to the head master who mentioned it in the Log Book, Ext. 12 and forwarded the same to the

management. His leave was sanctioned by the S.I. of School and D.I. of School gave permission to undergo training vide Ext. 10. He claims that since he was serving under ex-lessee and not a new recruit, O.M.C. R & P rules is not applicable to him. He states that he did not send the application form, Ext. 10 through the management 1st party as there is no such column provided for it.

6. M.W. 1 states that as per the verdict in I.D. case No. 61/87 intment was given to 2nd party in junior grade in the pay scale of Rs. 800 to Rs. 1200 taking into consideration his then qualification. Ajambar Mohanto was given the pay of Rs. 875 as he was a matriculate with E.T. training and as such was a trained teacher. Then the 2nd party was simply matriculate. He states that the case of the 2nd party will be considered only when there would be vacancy and after he comes out successful in the recruitment interview. He admits that by 1993, the 2nd party had completed 10 years of service and underwent E.T. training.

7. M.W. 1 admits that by 1993 the 2nd party had completed 10 years of service and had taken E.T. training Ext. 12 the Log Book maintained by the headmaster shows that on 8-12-92 the 2nd party had made an application for leave to appear for E.T. examination and the same was granted and forwarded to the local Mines Manager for permission. So the fact remains that he had applied for leave to the headmaster for appearing E.T. examination. The headmaster sanctioned the leave. There is no evidence that the management refused him permission to sit for the examination. Ext. 10 is the application form given by the 2nd party for E.T. examination. It is clearly mentioned there that this application form should be sanctioned through D.I. of School, to the Secretary, Board of Secondary Education Board, Cuttack. J.I. of School has given the certificate about the period of service completed by the 2nd party and the same has been countersigned by the D.I. of School, Champua Ext. 11 is the marksheet of the E.T. training of the 2nd party. It reveals that the examination was held in May 1993 and he secured 395 marks out of 800. The 2nd party made a representation vide Ext. 3 on 6-11-93 to the M.D., O.M.C. to give him the scale of a trained teacher. The learned representative of the management submits that the 2nd party took the training without any prior permission of the management. But this is not correct and I have pointed out this earlier. He further contends that his case will be considered when vacancy will arise. The representative of the 2nd party objecting to this submits that only trained teachers are kept in the school and the question of vacancy will arise when new post is created. But this 2nd party is an ex-lessee employee whose service has been regularised by the management and as such on his passing the E.T. training he should be given the salary of a trained teacher. He further submits that E.T. training is still in force. In support of his claim he invites my attention to the notification given by the Board of Secondary Education, Orissa, Cuttack vide Ext. 6. This notification had been given on 13-9-91. The representative of the management concedes that teachers who are trained are given the salary of a trained teacher. Ajambar Mohanto was given the salary of a trained teacher for his undergoing E.T. training. The 2nd party's case was not considered when Ajambar Mohanto was given the scale as the 2nd party had not taken the E.T. training. That means had he taken the training then he would have been given the trained teacher's salary. So I failed to understand why he was deprived of this trained teacher scale when subsequently he underwent the training. The 2nd party is entitled to get the salary of a trained teacher w.e.f. 8-11-93. Accordingly issues are answered.

SRI A. K. DUTTA, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2000

का.अ. 2641:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रेनाइट डिपार्टमेंट, टिस्को लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय राऊरकेला

के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-2000 को प्राप्त हुआ था।

[सं. एल.-29012/12/96-आईआर (विविध.)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 7th November, 2000

S.O. 2641.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Granite Department TISCO Ltd. and their workmen, which was received by the Central Government on 1-11-2000.

[No. L-29012/12/96-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, ROURKELA

Industrial Dispute Case No. 120/57(C)

Dated, the 7th September, 2000

PRESENT :

Sri Ajak Kumar Dutta,
Presiding Officer,
Industrial Tribunal,
Rourkela

BETWEEN

Asstt. Divisional Manager,
Granite Department, TISCO Ltd.,
PO. Jamshedpur, Singhbhum (Bihar) .. 1st party

AND

Sri M. K. Hazra, Ex-Helper,
C/o. Sri D. K. Sahoo, New Camp
Or. No. S/2R/154, PO : Joda,
Distt. : Keonjhar .. 2nd party

APPEARANCES :

For the 1st party.—Md. Z. M. Ansari, Manager (P)

For the 2nd party.—Sri B. S. Pati, General Secretary

AWARD

The Govt. of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of I.D. Act have referred the following disputes for adjudication vide no. L-29012/12/96-IR(M) dt. 14-8-95 :

"Whether the termination of the workman Sri M. K. Hazra by the management of Geological Department of TISCO Ltd. without any written order w.e.f. 10-3-94 is justified and proper. If, not to what relief the workman is entitled to?"

2. The case of the 2nd party in brief is as follows : The 2nd party workman joined service under the 1st party management on 15-4-92 and continued till 9-3-94. He was completed more than 240 days of service during the year 1992-93 and 283 days for the year 1993-94. He was regularly contributing to provident fund and receiving bonus. But the 1st party management terminated his service from 10-3-94 without notice and without giving any benefits as provided under section 25-F. So this termination order is illegal, unfair and violative of principles of natural justice. Hence prayer for reinstatement with full back wages.

3. In reply, the contention of the 1st party in brief is that the North Orissa Workers Union has got no locus-standi to represent the workman as he was never a member of that union on or before his date of termination. That this case is not maintainable as the workman did not prefer any appeal before Arbitrator as provided under the stand-

ing order. That the 2nd party was engaged in the granite department of the company from 1992 to March 1994 and the nature of job was temporary, contractual and intermittent for the purpose of sample preparation from granite blocks at cutting and polishing unit located at Joda. He was always being given appointments for a fixed period with terms and condition mentioned in the appointment letter. Since he was given appointment for fixed period, and his work ceased at the end of the period, this case falls under section 2(oo)(bb) of the Act and as such section 25-F is not attracted. That on expiry of the last spell of engagement the operation stopped and his work ceases and there was no necessity of giving further appointment to him. Hence prayer for dismissing the case.

4. On the aforesaid analysis, following issues have been framed :

- (i) Whether the General Secretary, North Orissa Workers' Union has locus-standi to represent the 2nd party workman ?
- (ii) Whether the reference is maintainable ?
- (iii) Whether the termination of the workman by the management without any written order w.e.f. 10-3-94 is justified and proper ?
- (iv) If not to what relief the workman is entitled to ?

5. Issue No. III :—The learned representative of the 1st party management argues that the work given to the 2nd party was not a continuous one and that is why he was given appointment for fixed period after which there was a break and again after some days on starting of the work he was getting fresh appointment. So his case falls under section 2(oo)(bb) and therefore section 25-F is not attracted. Even though he was worked for more than 240 days in one calendar year. The learned representative of the 2nd party on the other hand argues that the work was of a continuous nature and though he was doing work continuously yet to deprive him the benefits of section 25-F, artificial breaks have been made in between two appointment and as such this artificial breaks are nothing but colourable ones and the workman having completed 240 days of work in one calendar year is entitled to the benefits under section 25-F of the Act.

6. If the service of any workman is terminated for any reason what ever then this is nothing but retrenchment which comes u/s 2(oo) and section 25-F is attracted to it. If this termination is due to non-renewal of contract on its expiry, then this termination comes under section 2(oo)(bb) and it is not a retrenchment attracting the provision under section 25-F. So the Tribunal must scrutinise whether the job taken up by the 2nd party was a continuous one but artificial breaks were given by giving appointment for fixed period only to deprive him the benefits under section 25-F, vide the decision reported in 72(91)-CLT-404 (Chakradhar Tripathy Vrs. State of Orissa and others).

7. W.W.1 is the 2nd party. He joined under the 1st party management at Joda as electrical helper on 15-4-92 vide appointment order Ext. 1 and it was for 85 days. After completing work for 85 days he worked as casual for 5 to 6 days receiving wages on voucher and again received the appointment order vide Ext. 2. In this way he continued to work receiving appointment order Exts. 3, 4, 5, 6, 7 and 8. After 10-3-94 he was not given any work. He was contributing regularly to the provident fund vide Ext. 9. He received bonus for the year ending 1993-94 vide Ext. 10 and 11 showing his days of work on those years. He admits that he was given appointment order to work in the granite section and if work was not continuing there for the period mentioned in the appointment order then he was being asked to work in the Geological section for the rest period and for that he was not being issued any appointment order or departmental order in writing. MW1 states that in 1992 the management wanted to enter into granite business and for the purpose of sample preparation unit was established at Joda. For the purpose of trial, 5 persons were engaged on temporary, contractual basis including the 2nd party. This project was under the control of A.D.M. Granite project which was later on redesignated as A.D.M. Granite Department. The 2nd party was engaged on temporary, contractual basis at intermittent spell when the project was in operation. When this project was not successful due to various reasons the management decided to close this granite project. The 2nd

party had been engaged each time on contractual basis and the last engagement was when the project came to an end. Whenever the management has entered into contract appointment order has been issued to the 2nd party and in all the appointment letters fixed period of employment and the date of termination have been mentioned. In all these Exts. 1 to 8 under point no. 3, the date of termination has been mentioned and in point no. 8 it has been mentioned that the service will be governed by the company's standing order in which Ext. A is the relevant portion. Under clause 43(b) it has been mentioned that no notice of termination of employment is necessary in case of temporary workman. In between two working period, he was never engaged anywhere. He admits that 2nd party had completed 240 days of work each year preceding his termination but no compensation was given as it was a case of termination of contract and moreover he did not work continuously for 240 days in one calendar year. He denied that in between appointments there were artificial breaks.

8. The 2nd party was engaged in the unit for the purpose of sample preparation as the management wanted to enter into granite business. Ultimately this project was closed down. So this work of sample preparation was not of a continuous nature. The 2nd party admits that when there was no work during the contractual period he was engaged in Geological section for the rest of the period. This shows that nature of work in this sample preparation unit was not a continuous type and persons engaged in it were being diverted to other work even during their contractual periods. So given appointment orders for fixed periods after intermittent breaks cannot be presumed as artificial breaks. Moreover there is no evidence nor the 2nd party admits that during this intermittent period he was doing work in that unit. When the 2nd party admits that even during contractual period he was going without work in the sample preparation unit then it cannot be believed that work in that unit was of continuous nature. So the intermittent breaks are not colourable ones given only to deprive the 2nd party of the benefits of section 25-F of the Act.

9. Issue no. 1 :—Here, the Secretary, North Orissa Workers Union, Roukela is representing the 2nd party. This representation has been challenged by the 1st party. The law is well settled that an union can take up the case of a worker only when he becomes a member of the union on or before the date of dismissal when the cause of action arose. In the present case, the 2nd party must prove that he was a member of this union on or before 10-3-1994. W.W.1, is the 2nd party. In para-5 of his evidence he admits that he became a member of North Orissa Workers Union after he raised the dispute before the A.L.C. After his dismissal on 10-3-1994 he made a representation to the management vide Ext. 12 on 4-4-1994 against his removal from service. The management did not take any action. So he raised this dispute before the A.L.C. and the matter was referred to this Tribunal. So according to his own version (para-2 of his evidence) he raised the dispute before A.L.C. after 10-3-94 i.e. date of termination and at that time he became a member of the said union. Since he was not a member of the union on or before the date of termination, the North Orissa Workers Union has no locus-standi to represent the 2nd party workman in this dispute.

10. Issue no. II & IV :—In view of my discussion made under Issue no. I & III this reference is not maintainable and the workman is not entitled to any relief whatsoever.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 13 नवम्बर, 2000

का. अ. 2642.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार यन्त्रित बैंक ऑफ इंडिया के प्रबंधकों के संघर्ष निरोधकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिहरण/श्रम न्यायालय, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-2000 को प्राप्त हुआ था।

[सं. एन 12011/76/2000/अ. अ. (बी II)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th November, 2000

S.O. 2642.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employees in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 10-11-2000.

[No. L-12011/76/2000-IR(B-II)]
B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर।

प्रकरण संख्या :—सीजीआईटी/41/2000

अदेश संख्या एल-12011/76/2000 आई. आर. (बी-II)
28-7-2000

यूनियन बैंक एम्प्लॉयर्स यूनियन द्वारा जनरल सेक्रेटरी,
यूनियन बैंक ऑफ इण्डिया यूनियन, 49 रव विहार, महाराजी
फार्म, दुर्गापुरा जयपुर।

---प्रार्थना यूनियन

बनाम

जनरल मैनेजर, यूनियन बैंक ऑफ इण्डिया, एम. डी. एम. एच.
हॉस्पिटल, प्रोग्रेसिव वापुनगर, जयपुर।

---अग्राही

उपस्थित :—

प्रार्थना यूनियन की ओर से

कोई नहीं

अग्राही की ओर से

कोई नहीं

पंचाट दिनांक 16/10/2000

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद, औद्योगिक विवाद
अधिनियम 1947 (जिसे बाद में अधिनियम 1947 कहा
गया है) की धारा 10 की उपधारा (1) के खंड (घ)
के प्रावधानों के अनुसार न्याय निर्णय हेतु इस अधिकरण
को निर्देशित किया गया :—

"Whether the demand raised by the Union Bank Empls.
Union, Rajasthan for creation of the post of Spe-
cial Assistant at SSI Branch and Overseas Branch,
Jaipur in terms of the bi-partite Settlement and
policy guidelines is justified? If so, whether the
action of the management of Union Bank of India
in not creating the post of Special Assistant at
SSI Branch & Overseas Branch, Jaipur and not
according to requests of Smt. Lata A. Kimitkar,
Spl. Asstt. posted at Manglaivas Branch of the
Bank for her transfer to SSI Branch was justified?
If not, what relief the workman is entitled and
from what date?"

जनरल सेक्रेटरी, यूनियन बैंक ऑफ इण्डिया,
एम्प्लॉयर्स यूनियन को रजिस्टर्ड नोटिस क्लेम प्रस्तुत
करने हेतु प्रेषित किया गया, जिस पर उक्त यूनियन के
महासचिव के द्वारा प्रेषित पत्र दिनांक 26/9/2000 को
प्राप्त हुआ था, जिसमें उल्लेख किया गया है कि यूनियन बैंक
ऑफ इण्डिया के प्रबंधन ने श्रमजी लता किशोरकर, विशेष

सहायक का स्थानान्तरण ओवरसीज बैंक की जयपुर शाखा
में कर दिया है जहाँ पर वे वर्तमान में कार्यरत हैं।

उक्त परिस्थितियों में हमारे द्वारा उठाया गया उक्त
औद्योगिक विवाद समाप्त हो गया है, अतः आपसे अनुरोध
है कि उक्त प्रकरण को आप अपने स्तर पर बन्द करने
का कष्ट करें। अनुविवाद के लिये खेद है। स्थानान्तरण आदेश
व कार्यभार ग्रहण रिपोर्ट की फोटो प्रति संलग्न है।"

इस प्रकार यूनियन व विपक्षी बैंक के बीच कोई विवाद
नहीं रहा है, अतः परिस्थितियों में विवाद रहित पंचाट पारित
किया जाता है।

पंचाट की प्रतिनिधि केन्द्रीय सरकार को अधिनियम
1947 की धारा 17 की उपधारा (1) के अंतर्गत प्रकाश
नार्थ प्रेषित की जावे

[हं/-]

पीठासीन अधिकारी

नई दिल्ली, 13 नवम्बर, 2000

का.अ. 2643.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार देना बैंक के प्रबंधन के संबंध में नियोजकों और उनके
कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद
में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय/जबलपुर
के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को
10-11-2000 प्राप्त हुआ था।

[सं. एल-12012/3/95 आई. आर. (बी-II)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th November, 2000

S.O. 2643.—In pursuance of Section 17 of the Industrial
Dispute Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government
Industrial Tribunal/Labour Court, Jabalpur as shown in the
annexure in the Industrial Dispute between the employers in
relation to the management of Dena Bank and their workman,
which was received by the Central Government on 10-11-2000.

[No. L-12012/3/95-IR(B-II)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/125/95

Presiding Officer : Shri K. M. RAI

Shri Bhojai Bankar

C/o Madhya Pradesh Dena Bank

Employees Union,

Raipur.

.. Applicant

Versus

The Regional Authority,

Dena Bank,

Raipur.

.. Non-applicant

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India Ministry of Labour vide order
No. I-12012/03/95-IR(B-II) dated 3-7-95 has referred the
following dispute for adjudication by this tribunal—

"Whether the demand of MP Dena Bank Staff Union,
Raipur on the management of Dena Bank Raipur
for regularisation of the service of Shri Bhojraj

Danikar as casual workman is legal and justified? If not, what relief the workman is entitled to?"

2. The case for the workman is that he was appointed as clerk at Moan Nagar Branch, Durg on 12-9-92 and rendered his services continuously for a period of 3 years. His services were illegally terminated without complying with the provisions of Section 25F of the I.D. Act, 1947. He is therefore entitled to regularisation as claimed by him in the statement of claim.

3. The management's case in brief is that the workman was engaged as casual worker for sweeping bank premises and to perform other miscellaneous job. His engagement was for part of the day. He was paid wages proportionate to the work done by him. There was no specific contract of employment between the Bank and the clerk. He was never recruited for performing regular duties nor did he worked as permanent employee of the Bank. For recruitment in the Bank, certain procedures are laid down and those formalities must be observed. In the present case, no appointment as per procedure was made. There was no employ employee relationship between the bank and the applicant. The recruitment of the candidates to the posts of clerk in the bank is undertaken by the Bank Services Recruitment Board through competitive examination at All India level. In this case, no such formality has been done. In view of this fact, the workman is not entitled to regularisation as claimed by him.

4. Whether the workman is entitled to regularisation as a clerk and other benefits are claimed by him?

5. It is an admitted fact that the recruitment of clerical staff in the bank is undertaken by the Banking Service Recruitment Board through a competitive examination at All India level. The competitive examination consists of a written test as well as interview. The workman did not come through this process. According to him, he was appointed by the Branch Manager of the Bank. The Branch Manager has no authority to appoint any body as a clerk superseding all the procedures laid down for the recruitment. The candidate should also be sponsored through the employment exchange. This process was also not adopted in the case of present workman, without observing these formalities, any appointment of clerk through back door is absolutely illegal on the basis of which no regularisation can be given to any person. Temporary employee though qualified and eligible cannot be regularised merely on the ground that he was working continuously for more than 240 days.

6. In the instant case the workman was given casual appointment by the bank cleaning the premises and storing drinking water etc. He had to perform his duty not for the whole day but for a limited period and accordingly he was given the payment proportionate to the work done by him. For the appointment of this post, neither any advertisements were made by the Bank nor the name of workman was sponsored through the Employment Exchange. These facts also do not give any right to the workman for regularisation in the Bank service.

7. In view of the foregoing reasons, the workman is not entitled to regularisation of his service as clerk in the Bank as claimed by him. The reference is accordingly answered against the workman and in favour of the management.

8. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 13 नवम्बर, 2000

का.अ. 2644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बाव हाउसिंग फाइनेंस लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-2000 प्राप्त हुआ था।

[सं. एल-12012/82/96 आई. आर. (बी-II)]

बी. एन. डेविड, अवर सचिव

New Delhi, the 13th November, 2000

S.O. 2644.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BoB Housing Finance Limited and their workman which was received by the Central Government on 10-11-2000.

[No. L-12012/82/96-IR(B-II)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर

प्रकरण संख्या:— सी. आई. टी./बी-17/97

आदेश संख्या एल-12012/82/96 आई. आर. (बी-II)

15-5-97

सुल्तान सिंह पुत्र श्री करण सिंह उम्र लगभग 27 वर्ष निवासी प्लॉट नम्बर सी-126, वैशालीनगर, जयपुर।

-----प्रार्थी

बनाम

1. बाँब हाउसिंग फाइनेंस लिमिटेड
(स्पॉन्सरड बैंक आफ बड़ौदा)

जरिये मैनेजिंग डायरेक्टर, डी-38-ए,

अशोक मार्ग सी-स्क्रीम, जयपुर।

2. जनरल मैनेजर,

बाँब हाउसिंग फाइनेंस लिमिटेड,

(स्पॉन्सरड बैंक आफ बड़ौदा)

16, फ्लोर फिरोट जी भोयरावरस,

दलाल स्ट्रीट बाम्बे।

-----प्रार्थीगण

उपस्थित :—

प्रार्थी की ओर से

श्री बी. बी. एल. शर्मा,

श्री नीरज भट्ट

अप्रार्थी की ओर से

श्री आर. सी. पाण्डेवाल

पंचाट दिनांक 19/10/2000

पंचाट

केन्द्रीय सरकार द्वारा निम्न विवाद, औद्योगिक विवाद अधिनियम 1947 (जिसे बाद अधिनियम 1947 कहा गया है) की धारा 10 की उपधारा (1) के खंड (घ) व उपधारा 22 के प्रावधानों के अन्तर्गत न्याय निर्णय हेतु इस अधिकरण को निर्देशित किया गया :—

SCHEDULE

"Whether the action of the management of Akshay Avas Nirman Vitt Ltd. (Sponsored by BoB), Jaipur now known as BoB Housing Finance Limited,

Jaipur is justified in terminating the services w.e.f. 22-8-93 of workman Sh. Sultan Singh Driver/Class-IV after employing him for more than 24 days in a year (22-8-93 to 21-8-93) prior to the date of termination i.e. 22-8-93 without paying him notices/pay in lieu of notice of one month and retrenchment compensation in violation of Section 25-F of ID Act, 1947? If not, to what relief the workman is entitled?

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि वह विपक्षी संस्थान में ड्राइवर कम चतुर्थ श्रेणी कर्मचारी के पद पर दिनांक 17/7/91 से 40/- रुपये प्रतिदिन की दर से दैनिक कर्मचारी के रूप में कार्यरत था। दिनांक 24/8/93 को विपक्षी नम्बर-1 ने कार्यालय प्रबन्धक ए.के.भार्गव से कहलवाया कि प्रार्थी के स्थान पर किसी अन्य व्यक्ति को नियुक्त किया जाना है, जिस पर प्रार्थी ने अपनी सेवा समाप्ति होने की आशंका होने पर न्यायलय अपर सिविल न्यायधीन, क्रम संख्या-2, जयपुर नगर जयपुर के समक्ष एक बाद वाबत स्थाई निवेधाज्ञा या प्रार्थनापत्र अस्थाई निवेधाज्ञा दिनांक 27-8-93 को प्रस्तुत किया, जिसने 28/8/93 को दोनों पक्षों को सुनकर यह आदेश पारित किया कि "संबंधित नियमों व नियुक्ति की शर्तों के विरुद्ध प्रार्थी को नहीं हटावे।" दिनांक 30-8-93 को जब वह कार्य पर गया तो विपक्षीगण ने प्रार्थी को कार्यालय में प्रवेश नहीं करने दिया व न कार्य करने दिया। इस प्रकार दिनांक 30-8-93 से सेवा समाप्ति तक प्रार्थी को न तो एक माह का नोटिस दिया गया न नोटिस वेतन व न छंटनी का मुआवजा व इस प्रकार अधिनियम 1947 की धारा 25-एफ का उल्लंघन किया गया। प्रार्थना की गई कि प्रार्थी को समस्त पिछला बकाया वेतन व सेवा की निरन्तरता सहित सेवा पुनः स्थापित किये जाने का आदेश दिया जाए।

विपक्षीगण के द्वारा जबाब प्रस्तुत किया गया, जिसमें प्रार्थी के इस कथन को गलत बताया कि उसने दिनांक 17-7-91 से विपक्षी संस्थान में निरन्तर कार्य किया। इस कथन से भी इंकार किया गया कि दिनांक 24/8/93 को कार्यालय प्रबन्धक के द्वारा प्रार्थी के स्थान पर किसी अन्य को नियुक्त किये जाने हेतु कहा गया हो। यह भी उल्लेख किया गया कि दिनांक 21/8/93 के बाद प्रार्थी स्वयं कार्य हेतु उपस्थित नहीं हुआ व न अगस्त, 93 के बाद कभी ड्राइवर/चतुर्थ श्रेणी कर्मचारी के कार्य की कोई आवश्यकता विपक्षी संस्थान में उत्पन्न हुई। प्रार्थी द्वारा प्रस्तुत बाद गुणावगुण के आधार पर सुनवाई के पश्चात निरस्त किये जाने का उल्लेख किया व प्रार्थी का क्लेम रेस्यूडिकेटा के सिद्धान्त से बाधित होने के बारे में आपत्ति की गई। यह भी उल्लेख किया गया कि प्रार्थी की नियमित रूप से नियुक्ति नहीं की गई व न उसकी सेवामुक्ति की गई। यह भी उल्लेख किया गया कि विपक्षी संस्थान में ड्राइवर कम चतुर्थ कर्मचारी का पद सृजित नहीं है। कार्य की आवश्यकता होने पर प्रार्थी को दैनिक वेतन पर अस्थाई तौर पर भर्ती किया गया था। अधिनियम 1947 की धारा 25-एफ का उल्लंघन होने से भी इंकार किया गया।

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पक्षकारों के अभिकथनों के आधार पर निम्नांकित विवाद बिन्दु बनाये गये :—

- (1) आया प्रार्थी ने विपक्षी संस्थान में सेवा समाप्ति से एक वर्ष की अवधि में 240 दिन से अधिक कार्य किया?
- (2) आया प्रार्थी ने दिनांक 21/8/93 के बाद स्वयं को विपक्षी संस्थान में कार्य हेतु प्रस्तुत नहीं किया?
- (3) आया प्रार्थी का मामला रेस्यूडिकेटा के सिद्धान्त से बाधित है?
- (4) आया विपक्षी संस्थान के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25-एफ का उल्लंघन किया गया है।
- (5) प्रार्थी किस सहायता प्राप्त करने का अधिकारी है?

प्रार्थी की ओर से प्रार्थी का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया। अप्रार्थी की ओर से कृष्ण गोपाल पारीक का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। इसके अतिरिक्त दोनों पक्षों की ओर से दस्तावेजों की प्रतिलिपियाँ प्रस्तुत की गईं।

वहल सुनी गई एवं पत्रावली का अवलोकन किया गया। बनाये गये विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

बिन्दु संख्या:— 3 अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि प्रार्थी का क्लेम रेस्यूडिकेटा के सिद्धान्त से बाधित है। इस बारे में कोई विवाद नहीं है कि औद्योगिक विवाद के मामले में भी रेस्यूडिकेटा का सिद्धान्त लागू होता है। धारा II सिविल प्रक्रिया संहिता रेस्यूडिकेटा के बारे में निम्न प्रकार है :—

S.11 Res Judicate.—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression "former Suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purpose of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and other, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

Explanation VII.—The provisions of this Section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII.—An issue heard and finally decided by a court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised."

उक्त परिभाषा के अनुसार रिसज्यूडिकेटा का सिद्धान्त लागू होने के लिए यह आवश्यक है कि :—

- 1- पूर्व वाद में वाद का विषय अथवा विवाद बिन्दु बिन्दु प्रत्यक्ष रूप से अथवा सारभूत रूप से रहा हो ।
- 2- उक्त वाद अथवा विवाद बिन्दु की सुनवाई कर अंतिम रूप से न्यायालय के द्वारा निर्णीत कर दिया गया हो ।
- 3- उक्त वाद अथवा विवाद बिन्दु के निर्णय के पश्चात् कोई वाद अथवा विवाद बिन्दु उन्हीं पक्षकारों के बीच पुनः उठाया गया हो ।
- 4- जिस न्यायालय ने पूर्व में वाद अथवा विवाद बिन्दु का विनिश्चय किया हो वह वाद में प्रस्तुत वाद अथवा विवाद बिन्दु का विनिश्चय करने के लिए सक्षम हो ।

प्रार्थी के द्वारा जो पूर्व में अपर मजिस्ट्रेट के न्यायालय में वाद प्रस्तुत किया गया था वह चिर-स्थायी निषेधाज्ञा के बाबत था, जिसमें प्रार्थना की गई थी कि उसे बिना वानूनी प्रक्रिया अपनाये सेवा से पृथक नहीं किया जाए, जबकि प्रार्थी के द्वारा प्रस्तुत क्लेम अप्रार्थी के द्वारा अवैधानिक रूप से उसकी सेवा समाप्ति के बारे में प्रस्तुत किया गया है । प्रार्थी का कथन है कि जो वाद प्रस्तुत किया गया था वह उसने वापस ले लिया था व इस प्रकार वाद का अंतिम निर्णय भी नहीं हुआ । अप्रार्थी की ओर से प्रार्थी के द्वारा के स्थायी निषेधाज्ञा के प्रार्थना-पत्र पर अपर मजिस्ट्रेट के द्वारा पारित आदेश दिनांक 30-3-95 की प्रतिलिपि प्रस्तुत की गई, जिसमें उल्लेख किया गया है कि "आदेश अलग से लिखा जाकर सुनाया गया । प्रार्थी का प्रार्थना पत्र अंतर्गत आदेश 39 नियम 1, 2 सहपठित धारा 151 सिविल प्रक्रिया संहिता खारिज किया गया ।" अस्थायी निषेधाज्ञा का प्रार्थना पत्र अंतिम न होकर अनुवर्ती है । उक्त परिस्थितियों में रिसज्यूडिकेटा का सिद्धान्त लागू नहीं होता ।

बिन्दु संख्या:—1 प्रार्थी का कथन है कि उसने विपक्षी संस्थान में ड्राईवर कम चतुर्थ श्रेणी कर्मचारी के पद पर दिनांक 17-7-91 से दिनांक 30-8-93 के पूर्व तक कार्य किया व सेवा समाप्ति के पूर्व के वर्ष में उसने 240 दिन से अधिक कार्य किया । प्रतिपरीक्षा में भी उसका कथन है कि उसने विपक्षी संस्थान में निरन्तर कार्य किया । अप्रार्थी से साक्षी कृष्ण गोपाल पारीक ने स्वीकार किया है कि प्रार्थी ने दिनांक 1-10-91 से 21-8-93 के बीच आवश्यकता अनुसार कार्य किया था । प्रार्थी की ओर से प्रार्थना पत्र प्रदर्श डायू-10 प्रस्तुत किया गया, जिसमें उसे दैनिक मजदूरी के पात्र पर कार्य लिये जाने के बाबत आदेश दिया गया है व चपरासी का कार्य लिये जाने के बारे में भी आदेश दिया गया है । कृष्ण गोपाल पारीक ने स्वीकार किया कि प्रार्थी उसके निर्देश पर कार्यालय की कार को चलाता था । इस प्रकार यह विश्वास नहीं है कि प्रार्थी से उक्त अवधि में ड्राईवर कम चतुर्थ श्रेणी कर्मचारी का कार्य लिया गया । विपक्षी की ओर से इस बारे में कोई प्रलेख प्रस्तुत नहीं किया गया कि प्रार्थी ने दिनांक 22-8-93 के पूर्व के वर्ष में कितने दिन कार्य किया । अभिलेख प्रस्तुत नहीं किये जाने से प्रार्थी का कथन विश्वसनीय प्रतीत होता है कि उन्हीं विपक्षी संस्थान में सेवा समाप्ति के पूर्व के वर्ष में निरन्तर कार्य किया । इसके अतिरिक्त असफल वार्ता प्रतिवेदन भी प्रस्तुत हुआ, जिसमें अप्रार्थी की ओर से स्वीकार किया गया है कि प्रार्थी ने दिनांक 22-8-93 से पूर्व के एक वर्ष में 267 दिन कार्य किया । निर्देश आदेश में भी उल्लेख है कि विपक्षी संस्थान ने सेवा समाप्ति के पूर्व के एक वर्ष में 240 दिन से अधिक अपने नियोजन में रखा । इस प्रकार यह प्रमाणित है कि प्रार्थी विपक्षी संस्थान में उक्त अवधि में निरन्तर कार्यरत रहा व सेवा समाप्ति से पूर्व के एक वर्ष में उसने 240 दिन से अधिक कार्य किया ।

बिन्दु संख्या :—2 प्रार्थी का कथन है कि जब वह दिनांक 30/8/93 को कार्य पर गया तो उसे कार्यालय में प्रवेश नहीं करने दिया गया । उसने इस मुद्दा से इंकार किया है कि दिनांक 21/8/93 के पश्चात् विपक्षी संस्थान में कार्य हेतु उपस्थित नहीं हुआ । प्रार्थी के द्वारा सेवाभूति की आशंका होने पर स्थायी निषेधाज्ञा का वाद प्रस्तुत करना साथ में अस्थायी निषेधाज्ञा हेतु प्रार्थना पत्र प्रस्तुत करना व स्थायी निषेधाज्ञा प्रार्थना पत्र पर आदेश होने के पश्चात् कार्य पर नहीं लिये जाने बाबत सिविल न्यायालय में न्यायालय के आदेश की अवमानना का प्रार्थना पत्र प्रस्तुत करना जिसके जवाब में अप्रार्थी की ओर से यह उल्लेख करना कि प्रार्थी का विपक्षी संस्थान से कोई संबंध नहीं होने के कारण बिना अधिकारियों की प्रवृत्ति के प्रार्थी को कार्यालय में प्रवेश करने का कोई कानूनी अधिकार नहीं है । असफल वार्ता प्रतिवेदन में अप्रार्थी के द्वारा यह कथन करना कि चूंकि अप्रार्थी संस्थान में कोई कार्य नहीं था इसलिए प्रार्थी को आगे नियोजन में नहीं रखा गया । यह सभी परिस्थितियां यह

प्रकट करती है कि प्रार्थी ने स्वयं कार्य पर आना नहीं छोड़ा बल्कि अप्रार्थी के द्वारा प्रार्थी को नियोजन में नहीं रखा गया व इस प्रकार इस विवाद बिन्दु का विनिश्चय अप्रार्थी के विरुद्ध किया जाता है।

बिन्दु संख्या 4:— प्रार्थी के द्वारा विपक्षी संस्थान में सेवा समाप्ति के पूर्व के एक वर्ष में 240 दिन से अधिक कार्य करना प्रमाणित है। यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति से पूर्व अप्रार्थी द्वारा अधिनियम, 1947 की धारा 25-एफ के प्रावधानों के अनुसार न तो एक माह का नोटिस दिया गया न नोटिस के बदले में नोटिस वेतन, न क्षतिपूर्ति अप्रार्थी के विरुद्ध अधिवक्ता का तर्क है कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती। उन्होंने अपने तर्क के समर्थन में 2000(3) एस. सी. टी. 788 नरेन्द्र सिंह सोलंकी बनाम राँ एण्ड फिनिशिंग प्रोडक्शन प्राइवेट लिमिटेड को उद्धृत किया है। उक्त मामले में नियोजक के द्वारा कोई ऐसा कार्य नहीं किया गया था, जिसके द्वारा श्रमिक की कार्य करने से रोक गया हो। ऐसा तथ्य भी नहीं पाया गया कि श्रमिक ने कार्य हेतु अपने आपको उपस्थित किया हो व नियोजक ने उसे रोका हो। उक्त परिस्थितियों में श्रमिक का मामला छंटनी के तहत नहीं पाया व उसके द्वारा स्वयं सेवा का परित्याग करना पाया। प्रस्तुत मामले के तथ्य उक्त मामले से भिन्न हैं बिन्दु संख्या 2 के विनिश्चय में यह पाया गया है कि अप्रार्थी द्वारा प्रार्थी को कार्य पर नहीं लिया गया। अप्रार्थी के विरुद्ध अधिवक्ता का तर्क है कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती व अधिनियम, 1947 की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। उन्होंने अपने तर्क के समर्थन में निम्नांकित न्याय दृष्टान्त उद्धृत किये हैं :—

- (1) 1998 (8) एस. सी. सी. 733 स्टेट ऑफ हरियाणा बनाम ओमप्रकाश।
- (2) 1998(3) एस. एल. आर. 395 बनाम डोना नगर पालिका।
- (3) 1998(2) एल. एल. एन. 119 अरविन्द कुमार अग्रवाल बनाम स्टेट ऑफ उत्तरप्रदेश।
- (4) 1999(81) एफ. एल. आर. 319 स्टेट ऑफ युपी. बनाम लेबर कोर्ट हल्दवानी।
- (5) 1998(11) एल. एल. जे. 15 हिमान्शु कुमार विद्यार्थी बनाम स्टेट ऑफ बिहार।
- (6) 1993 (67) एफ. एल. आर. 1039 कुदरन्जी सचिस कॉऑपरेटिव बैंक लिमिटेड बनाम एम. एम्. लिली।

(7) 1995 (8) एस. एल. आर. 781 जसपाल सिंह बनाम लेबर कोर्ट पटियाला।

(8) 1992 (3) डब्ल्यू. एल. सी. (राज.) 533 राम-प्रताप बनाम स्टेट बैंक ऑफ राजस्थान व अन्य।

(9) 1996 डब्ल्यू. एल. सी. (यू. सी.) 358 (राज.) शशिकान्त बनाम स्टेट ऑफ राजस्थान व अन्य।

1998 (8) एस. सी. सी. 733 के मामले में कर्मकार ड्यूटी के लिए उपस्थित नहीं हुआ था व 3 वर्ष अनुपस्थित रहा था, नियोजक के द्वारा सेवा समाप्त नहीं पाई गई व अधिनियम, 1947 की धारा 25 एफ का आकृष्ट होना नहीं पाया गया। उक्त मामले के तथ्य प्रस्तुत मामले से भिन्न हैं प्रस्तुत मामले में यह प्रमाणित हो चुका है कि प्रार्थी के द्वारा प्रार्थी को कार्य पर नहीं लिया गया। 1998 (3) एस. एल. आर. 395 के मामले में प्रार्थी प्रमाणित नहीं कर सका कि उसने 240 दिन की सेवा पूर्ण कर ली थी, धारा 25 एफ का आकृष्ट होना नहीं पाया गया। इस विधिक स्थिति के बारे में कोई विवाद नहीं है। प्रस्तुत मामले में उक्त न्याय दृष्टान्त लागू नहीं होता। 1998 (2) एल. एल. एन. 119 के मामले में याची को तदर्थ आधार पर नियुक्त किया गया था व संविदा के तहत उसकी नियुक्ति समाप्त हुई थी, अतः उसका पद धारित होने का अधिकार नहीं पाया। प्रस्तुत मामले में ऐसा नहीं है कि प्रार्थी की नियुक्ति एक निश्चित अवधि के लिये की गई हो, जिसकी समाप्ति पर प्रार्थी की सेवा समाप्ति हो गई हो। 1999 (81) एफ. एल. आर. 319 के मामले में कर्मकार को दैनिक मजदूरी के आधार पर नियुक्त किया गया था। यह अभिनिर्धारित किया गया कि सेवा प्रत्येक दिन की शाम को समाप्ति हो जाती थी व उसे नियोजित करने से इंकार करना छंटनी के तहत नहीं आता। यह भी अभिनिर्धारित किया गया कि दैनिक मजदूरी व आकस्मिक आधार पर नियोजित कर्मचारियों की सरकारी सेवा में पिछले दरवाजे से नियुक्ति नहीं की जा सकती। 1998 (11) एल. एल. जे. 15 के मामले में माननीय उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया कि अस्थायी दैनिक मजदूरी पर कार्यरत कर्मचारियों को नियोजित न करना छंटनी के तहत नहीं आता। 1993 (67) एफ. एल. आर. 1039 के मामले में केरल उच्च न्यायालय के द्वारा अभिनिर्धारित किया गया कि छंटनी हेतु नियोजक व सेवक का विधिक सम्बन्ध प्रमाणित होना आवश्यक है। 1995 (8) एस. एल. आर. 781 के मामले में यह अभिनिर्धारित किया गया कि नियोजन की शर्तों के अनुसार सेवा समाप्ति छंटनी के तहत नहीं आती। 1993 (3) डब्ल्यू. एल. सी. (राज.) 533

के मामले में यह अभिनिर्धारित किया गया कि नियुक्ति की संविदा नियमों के अनुसार न होने के कारण अधिनियम, 1947 की धारा 25-एफ आकृष्ट नहीं होती। 1996 डब्ल्यू.एल.सी. (यू.सी.) 358 के मामले में यह अभिनिर्धारित किया गया है कि दैनिक मजदूरी पर कार्यरत श्रमिक एवं नियोक्ता दोनों सेवा समाप्त करने के लिये स्वतंत्र होते हैं। इस बारे में तो कोई विवाद नहीं है कि प्रार्थी को दैनिक मजदूरी के आधार पर अप्रार्थी के द्वारा नियोजित किया गया था। 1998 एस.सी.सी. (एल एण्ड एस) 701 रतनसिंह बनाम यूनियन ऑफ इण्डिया के मामले में माननीय उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया कि दैनिक मजदूरी पर कार्यरत कर्मकार की सेवा समाप्ति यदि उसने लगातार अधिनियम के तहत निर्धारित अवधि तक सेवा कर ली है तो अधिनियम, 1947 के प्रावधान आकृष्ट होंगे। 1998 (11) एल.एल.जे. 15 के मामले पर राजस्थान उच्च न्यायालय के द्वारा आर.एल.आर. 1998 (11) राज. (1111) विजय नगर क्रय विक्रय सहकारी बैंक लिमिटेड बनाम लेबर जज, अजमेर के मामले में विचार किया व इस आधार पर उक्त मामले से अन्तर किया गया कि उक्त मामला उच्च न्यायालय में संविधान के अनुच्छेद 226 के तहत इस आधार पर प्रस्तुत किया गया था कि सेवा समाप्ति स्वेच्छाचारी थी, जब कि प्रार्थी का मामला अधिनियम, 1947 की धारा 25-एफ के उल्लंघन पर आधारित था। 1994 एस.एल.आर. 154 पंजाब लैंड डेवलपमेंट एण्ड रिक्लेमेशन कारपोरेशन लिमिटेड व अन्य बनाम लेबर कोर्ट, चण्डीगढ़ के मामले में उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया है कि चेयरमैन को नियुक्ति का अधिकार नहीं था, इस आधार पर भी सेवा समाप्ति छंटनी के तहत आती है। ऐसा ही मत राजस्थान उच्च न्यायालय ने आर.एल.आर. (1) 439 प्रभुदयाल जाट बनाम अलवर एस.बी.वी.वी. के मामले में व्यक्त किया है। उक्त न्याय दृष्टान्तों के अनुसार केवल इस कारण से कि प्रार्थी की नियुक्ति नियमों के अनुसार नहीं की गई थी यह नहीं कहा जा सकता कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती। 1996 डब्ल्यू.एल.सी. (यू.सी.) राजस्थान 358 शाशिकान्त बनाम स्टेट ऑफ राजस्थान के मामले में संविधान के अनुच्छेद 14, 16, 226 के अन्तर्गत याचिका प्रस्तुत करने पर यह निर्णय दिया गया था कि दैनिक मजदूरी पर कार्यरत श्रमिक व नियोजक दोनों ही सेवा समाप्ति करने के लिए स्वतंत्र होते हैं व अधिनियम, 1947 की धारा 25-एफ के प्रावधानों पर विचार नहीं किया गया। अधिनियम, 1947 की धारा 2 के खण्ड (ओप्रो) के अनुसार नियोजक के द्वारा प्रत्येक प्रकार की सेवा समाप्ति छंटनी के तहत आएगी यदि वह बतौर दण्ड-स्वरूप न हो व उक्त खण्ड में दी गई छंटनी की परिभाषा के अन्तर्गत अपवाद के तहत नहीं आती हो। प्रार्थी की सेवा समाप्ति न तो दण्ड स्वरूप की गई व न छंटनी के तहत आती है व प्रार्थी की सेवा समाप्ति स्पष्टतः छंटनी के तहत आती है। अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्ति करने से पूर्व एक माह का नोटिस न देने व नोटिस के बदले में नोटिस

वेतन एवं छंटनी का मुआवजा न देना अधिनियम, 1947 की धारा 25-एफ का उल्लंघन है। अतः अप्रार्थी के द्वारा अधिनियम की धारा 25-एफ का उल्लंघन कर प्रार्थी की सेवा समाप्ति करना प्रमाणित है।

बिन्दु संख्या 5:—अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि अप्रार्थी संस्थान में ड्राईवर कम चतुर्थ श्रेणी कर्मचारी का कोई पद नहीं है। उनका यह भी तर्क है कि प्रार्थी की सेवाओं की विपक्षी संस्थान में आवश्यकता नहीं है, अतः अधिनियम की धारा 25-एफ का उल्लंघन प्रमाणित होने की दशा में भी प्रार्थी को विपक्षी संस्थान में पुनः नियोजित करने का निर्देश नहीं दिया जा सकता। उन्होंने अपने तर्क के समर्थन में 1996 (72) एफ.एल.आर. पृष्ठ 804 स्टेट ऑफ हिमाचल प्रदेश बनाम सुरेश कुमार वर्मा को उद्धृत किया है, जिसमें अभिनिर्धारित किया गया है कि प्रत्यर्थीगण को जिस प्रोजेक्ट पर नियुक्त किया गया था, के समाप्त होने पर उन्हें पुनः नियोजित करने का निर्देश नहीं दिया जा सकता। उक्त न्याय दृष्टान्त प्रस्तुत मामले पर लागू नहीं होता। अप्रार्थी का ऐसा कथन नहीं है कि प्रार्थी को किसी अग्रिम प्रोजेक्ट में कार्य किए जाने हेतु नियुक्त किया गया हो। अप्रार्थी के विद्वान अधिवक्ता के द्वारा नियमितकरण से संबंधित कई न्याय दृष्टान्त प्रस्तुत किए गए हैं, जो सुसंगत प्रतीत नहीं होते, क्योंकि प्रस्तुत विवाद प्रार्थी की सेवा के नियमितकरण का नहीं है। ऐसी दशा में उनका उल्लेख करना उचित प्रतीत नहीं होता। अप्रार्थी के विद्वान अधिवक्ता के द्वारा यह भी तर्क दिया गया है कि प्रार्थी के द्वारा विवाद देरी से उठाया गया है व 'कार्य नहीं तो वेतन नहीं' के सिद्धान्त के आधार पर प्रार्थी को पिछली मजदूरी नहीं दी जानी चाहिए। उन्होंने अपने तर्क के समर्थन में 1991 (62) एफ.एल.आर. 683 माधोशंकर देव बनाम स्टेट ऑफ राजस्थान व (1994) 5 सुप्रीम कोर्ट कैसेज 572 सिण्डिकेट बैंक व अन्य बनाम के. उमेश नायक को उद्धृत किया है। सिण्डिकेट बैंक के मामले में यह अभिनिर्धारित किया गया है कि हड़ताल के समय की मजदूरी ऐसी दशा में देय है जब कि हड़ताल विधिक एवं उचित हो। उक्त मामला प्रस्तुत मामले पर लागू नहीं होता। माधोशंकर देव बनाम स्टेट ऑफ राजस्थान के मामले में छंटनी जुलाई, 84 में की गई थी फरवरी, 87 में याचिका के जरिये विवाद उठाया गया था। पिछली मजदूरी नहीं दिलाई गई। अधिनियम, 1947 में विवाद उठाये जाने के बारे में कोई समय सीमा निर्धारित नहीं है। प्रार्थी की सेवा समाप्ति अगस्त, 93 में की गई, जब कि प्रार्थी के द्वारा विवाद समझौता अधिकारी के समक्ष सन् 1995 में उठाया गया। प्रार्थी का कथन है कि वह सेवा समाप्ति के बाद से बेरोजगार है। उक्त परिस्थितियों में प्रार्थी को पिछली मजदूरी के रूप में 50 प्रतिशत मजदूरी दिलाया जाना उचित प्रतीत होता है। अप्रार्थी का ऐसा कथन नहीं है कि चतुर्थ श्रेणी कर्मचारी का पद विपक्षी संस्थान में नहीं है, अतः ऐसी दशा में अप्रार्थी को ऐसा निर्देश दिया जा सकता है कि वह प्रार्थी को चतुर्थ श्रेणी कर्मचारी के पद पर पुनः नियोजित करे।

उक्त विवेचन के आधार पर विपक्षी द्वारा प्रार्थी की सेवा समाप्ति अवधि एवं अनुचित पाई जाती है। प्रार्थी विपक्षी संस्थान में बतौर चतुर्थ श्रेणी कर्मचारी के 50 प्रतिशत पिछली मजदूरी सहित पुनः सेवा में सेवा की निरन्तरता सहित बहाल होने का अधिकारी होगा। विपक्षी संस्थान अधिनियम 1947 की धारा 25-एफ की पालना कर प्रार्थी की सेवा समाप्ति करने के लिये स्वतंत्र होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम 1947 की धारा 17 को उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाय।

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पीठासीन अधिकारी

नई दिल्ली, 13 नवम्बर, 2000

का.आ. 2645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाँब हाउसिंग फाइनेन्स लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-2000 प्राप्त हुआ था।

[सं. एल-12012/90/96-आईआर (बी-II)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 13th November, 2000

S.O. 2645.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BoB Housing Finance Limited and their workman, which was received by the Central Government on 10-11-2000.

[No. L-12012/90/96-IR(B-II)]

B. M. DAVID, Under Secy.

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर प्रकरण संख्या :—सी.आई.टी./बी.—15/97

आदेश संख्या:—एल-12012/90/96/आईआर. (बी-2)
15-5-97

दिनेश शर्मा पुत्र श्री राधेश्याम शर्मा उम्र 27 वर्ष जाति ब्राह्मण निवासी अशोक बिहार कालोनी, प्लॉट नम्बर 63, मोपालपुरा टोक रोड, जयपुर।

.....प्रार्थी

बनाम

प्रबन्ध निदेशक, बाँब हाउसिंग फाइनेन्स लिमिटेड, डी-38ए, अशोक मार्ग, सी-स्कीम, जयपुर।

.....अप्रार्थी

उपस्थित:

प्रार्थी की ओर से

श्री जी.पी. शर्मा

अप्रार्थी की ओर से

श्री आर०सी. पापड़ीवाल

पंचाट दिनांक 6-10-2000

पंचाट

केन्द्रीय सरकार के द्वारा उक्त आदेश के जरिए निम्न विवाद, औद्योगिक विवाद अधिनियम 1947 (जिसे बाद में अधिनियम 1947 कहा गया है। (की धारा 10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत न्यायनिर्णयन हेतु इस अधिकरण को निर्देशित किया गया :—

"Whether the action of the management of Askhay Avas Nirman Vitt Ltd. (sponsored by BOB) Jaipur now known as BOB Housing Finance Ltd. is justified in terminating the services w.e.f. 28-8-93 of workman Sh. Dinesh Sharma after employing him for 295 days in year 28-8-92 to 27-8-93 without paying him notice pay in lieu of notice of one month and retrenchment compensation in violation of Section 25-F of ID Act, 1947. If not to what relief the said workman is entitled?

प्रार्थी दिनेश (जिसे बाद में प्रार्थी कहा गया है)। की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि वह अप्रार्थी के अधीन एवं नियन्त्रण में ड्राइवर कम चतुर्थ श्रेणी कर्मचारी के पद पर दिनांक 7-11-91 से निरन्तर 40/-रुपये प्रतिदिन के दैनिक वेतन पर दैनिक वेतन-भोगी कर्मचारी के रूप में कार्यरत था। दिनांक 24-8-93 को अप्रार्थी ने कार्यालय प्रबन्धक जे.एन. खण्डेलवाल से प्रार्थी को कहलवाया कि वे प्रार्थी की जगह किसी अन्य व्यक्ति को नियुक्त करना चाहते हैं। इस पर सेवा समाप्ति की आशंका होने पर उसने न्यायालय अपर मुक्ति क्रम-2 जयपुर नगर के समक्ष एक वाद बाबत स्थाई निवेधाना मय प्रार्थना पत्र अस्थाई निवेधाना दिनांक 26-8-93 को पेश किया, जिस पर न्यायालय ने दोनों पक्षों को सुनकर यह आदेश पारित किया कि "संबंधित नियमों व नियुक्ति की शर्तों के विरुद्ध प्रार्थी को नहीं हटावे।" दिनांक 30-8-93 को जब प्रार्थी प्रतिदिन की तरह कार्य पर गया तो अप्रार्थी ने उसे कार्यालय में प्रवेश नहीं करने दिया व न कार्य करने दिया। प्रार्थी ने 240 दिन से अधिक की सेवा अवधि पूरी कर ली थी तथा सेवा पृथक्करण की तिथि के पूर्व के 12 माह में भी उसने 240 दिन से अधिक की सेवा पूर्ण कर ली थी। सेवा-समाप्ति से पूर्व प्रार्थी को न तो एक माह का नोटिस दिया गया व न नोटिस के बदले में नोटिस वेतन व इस प्रकार अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किया गया।

अप्रार्थी की ओर से जवाब प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्रार्थी ने क्लेम में टाईटल गलत प्रस्तुत किया है। अक्षय आवास निर्माण वित्त लिमिटेड का वर्तमान में कोई असतिव नहीं है। निर्देश भी गलत है व चलने योग्य नहीं है। विपक्षी संस्थान में ड्राइवर कम चतुर्थ श्रेणी कर्मचारी के पद का कभी सृजन नहीं हुआ व न प्रार्थी उक्त पद पर कभी विपक्षी संस्थान में नियुक्त किया गया। प्रार्थी ने जब कभी अपने आप को विपक्षी संस्थान में कार्य हेतु प्रस्तुत किया एवं संस्थान को कार्य की आवश्यकता हुई तो उसे

आवश्यकता अनुसार दैनिक वेतन पर अस्थाई तौर पर उससे कार्य लिया गया। प्रार्थी का यह कथन कि दिनांक 7-11-91 से उसने विपक्षी संस्थान में लगातार कार्य किया, गलत है। यह कथन भी गलत है कि कार्यालय प्रबन्धक खण्डेलवाल से दिनांक 24-8-93 को कहलवाया हो कि प्रार्थी को सेवा से पृथक् कर किसी अन्य व्यक्ति को नियुक्त किया जाना है। प्रार्थी द्वारा प्रस्तुत मामला उसके हक में नहीं बनना पाए जाने पर निरस्त कर दिया गया। प्रार्थी का मामला स्पष्टतया रैसज्यूडिकेटा के सिद्धान्त से बाधित है। यह भी उल्लेख किया गया कि प्रार्थी ने स्वयं को कार्य पर दिनांक 27-8-93 के पश्चात् प्रस्तुत नहीं किया। यह भी उल्लेख किया गया कि प्रार्थी को दैनिक वेतन पर अस्थाई तौर पर कार्य की आवश्यकतानुसार एक निश्चित अवधि के लिये रखा गया था व दैनिक वेतन पर कार्य करने वाले व्यक्तियों की सेवाएं दिन प्रतिदिन समाप्त हो जाती हैं। प्रार्थी को नियमित रूप से निर्धारित नहीं किया गया कि न उसकी सेवा समाप्त की गई अधिनियम 1947 की धारा 25-एफ के प्रावधानों का उल्लंघन किये जाने से इन्कार किया गया। उक्त जवाब प्रस्तुत होने के पश्चात् प्रार्थी की ओर से क्लेम के टाईटल में अश्वय आवास निर्माण वित्त लि. के स्थापन पर बाब हाउसिंग फायनेंस लिमिटेड जरिये मैनेजिंग डाइरेक्टर संशोधित किया गया।

पक्षकारों के अभिकथनों के आधार पर निर्णायक विवाद बिन्दु बनाये गये :—

- (1) क्या प्रार्थी श्रमिक ने दिनांक 28/8/92 से लेकर दिनांक 27/8/93 के बीच 295 दिवस का कार्य विपक्षी संस्थान में किया है ?
- (2) आया प्रार्थी का मामला रैसज्यूडिकेटा के सिद्धान्त से बाधित है ?
- (3) आया प्रार्थी ने दिनांक 27/8/93 के पश्चात् स्वयं को कार्य हेतु प्रस्तुत नहीं किया ?
- (4) आया प्रार्थी को न्यायोचित रूप से नियुक्त नहीं किया गया है, न ही उसकी सेवामुक्ति की गई ?
- (5) आया विपक्षी के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25 एफ का उल्लंघन किया गया है ?
- (6) आया रैफरेंस गलत है ?
- (7) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से स्वयं का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया।

अप्रार्थी की ओर से के.जी. पारीक व बी.आर. बजाज के शपथपत्र प्रस्तुत किये गये, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। इसके अतिरिक्त दोनों पक्षकारों की ओर से दस्तावेजों की प्रतिलिपियां भी प्रस्तुत की गईं।

बहुसंख्यी गई एवं पक्षावली का अवलोकन किया गया। बनाये गये विवाद बिन्दुओं का विनिश्चय निम्नप्रकार किया जा रहा है :—

बिन्दु संख्या :-2 अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि प्रार्थी का क्लेम रैसज्यूडिकेटा के सिद्धान्त से बाधित है। इस बारे में कोई विवाद नहीं है कि औद्योगिक विवाद के मामले में भी रैसज्यूडिकेटा का सिद्धान्त लागू होता है। धारा 11 सिविल प्रक्रिया संहिता रैसज्यूडिकेटा के बारे में निम्न प्रकार है :—

S. 11 Res Judicata.—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression “former suit” shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purpose of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and other, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

Explanation VII.—The provisions of this Section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII.—An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised”.

उक्त परिभाषा के अनुसार रेस्यूडिकेटा का सिद्धान्त लागू होने के लिए यह आवश्यक है कि :—

- (1) पूर्व वाद में वाद का विषय अथवा विवाद बिन्दु प्रत्यक्ष रूप से अथवा सारभूत रूप से रहा हो।
- (2) उक्त वाद अथवा विवाद बिन्दु की सुनवाई कर अंतिम रूप से न्यायालय के द्वारा निर्णय कर दिया गया हो।
- (3) उक्त वाद अथवा विवाद बिन्दु के निर्णय के पश्चात् कोई वाद अथवा विवाद बिन्दु उन्हीं पक्षकारों के बीच पुनः उठाया गया हो।

(4) जिस न्यायालय ने पूर्व में वाद अथवा विवाद बिन्दु का विनिश्चय किया हो वह वाद में प्रस्तुत वाद अथवा विवाद बिन्दु का विनिश्चय करने के लिये सक्षम हो।

प्रार्थी के द्वारा जो पूर्व में अपर मुंसिफ के न्यायालय में वाद प्रस्तुत किया गया था वह चिर-स्थायी निषेधाज्ञा के बावत था, जिसमें प्रार्थना की गई थी कि उसे बिना कानूनी प्रक्रिया अपनाये सेवा से पृथक नहीं किया जाए, जब कि प्रार्थी के द्वारा प्रस्तुत वलम अप्रार्थी के द्वारा अवैधानिक रूप से उसकी सेवा समाप्ति के बारे में प्रस्तुत किया गया है। प्रार्थी का कथन है कि जो वाद प्रस्तुत किया गया था वह उसने वापस ले लिया था व इस प्रकार वाद का अंतिम निर्णय भी नहीं हुआ। अप्रार्थी की ओर से प्रार्थी के द्वारा स्थायी निषेधाज्ञा के प्रार्थना पत्र पर अपर मुंसिफ के द्वारा पारित आदेश दिनांक 30-3-95 की प्रतिलिपि प्रस्तुत की गई, जिसमें उल्लेख किया गया है कि “आदेश अलग से लिखाया जाकर सुनाया गया। प्रार्थी का प्रार्थना पत्र अन्तर्गत आदेश 39 नियम 1, 2 संगठित धारा 151 सिविल प्रक्रिया संहिता खारिज किया गया।” अस्थाई निषेधाज्ञा के आदेश दिनांक 30-3-95 की प्रतिलिपि प्रस्तुत की गई, जिसमें स्पष्टरूप से उल्लेख किया गया है कि “जहां तक 240 दिन से अधिक काम करने या औद्योगिक विवाद प्रावधानों की पालना न करने का प्रश्न है, उसका क्षेत्राधिकार दीवानी न्यायालय को नहीं है।” प्रार्थी को औद्योगिक विवाद अधिनियम के प्रावधानों के विपरीत यदि सेवा से पृथक किया जाता है तो वह औद्योगिक विवाद न्यायाधिकरण या श्रम न्यायालय में संस्थित कर सकता है। इसके अतिरिक्त अस्थाई निषेधाज्ञा का प्रार्थना पत्र अंतिम न होकर अन्तरवर्तीय है। उक्त परिस्थितियों में रेस्यूडिकेटा का सिद्धान्त लागू नहीं होता।

बिन्दु संख्या 6:— अप्रार्थी के विद्वान् अधिकारता का तर्क है कि निर्देश आदेश में केन्द्रीय सरकार के द्वारा यह मान लिया गया है कि प्रार्थी की सेवा समाप्ति विपक्षी के द्वारा की गई, जब कि विपक्षी की ओर से समझौता अधिकारी के समक्ष प्रार्थी के द्वारा प्रस्तुत किये गये प्रार्थना पत्र के जवाब में यह उल्लेख किया गया था कि प्रार्थी की सेवा समाप्ति अप्रार्थी के द्वारा नहीं की गई व प्रार्थी रसयं ही कार्य पर दिनांक 27-8-93 के पश्चात् कार्य पर उपस्थित नहीं हुआ। उनका तर्क है कि निर्देश इस कारण दूषित है। उन्होंने

अपने तर्क के समर्थन में और एन. डब्ल्यू. 1993 (2) सिमकी बैगन फैक्टरी मजदूर संघ भगतपुर बनाम सिमकी बैगन फैक्टरी पृष्ठ 25, 1994 (69) एफ. एल. ओर. (पंजाब-हरियाणा उच्च न्यायालय) 1006, कर्नाल सेन्ट्रल कॉर्पोरेटिव लिमिटेड बनाम औद्योगिक अधिकरण, रोहतक व अन्य 1982 लेब आई. सी. 1309 मैसर्स इण्डिया टूरिज्म डेवलपमेंट कॉर-पोरेशन, नई दिल्ली बनाम दिल्ली एडमिनिस्ट्रेशन, दिल्ली को उद्धृत किया है। असफल वार्ता प्रतिवेदन में यद्यपि यह उल्लेख किया गया है कि प्रार्थी ने दिनांक 27-8-93 के पश्चात् कार्य हेतु उपस्थिति नहीं दी, परन्तु यह भी उल्लेख किया गया है कि प्रबन्धक द्वारा बताया गया कि आकस्मिक मजदूर की आवश्यकता भी नहीं थी। यह भी उल्लेख किया गया कि चूंकि प्रार्थी की सेवाओं की आवश्यकता नहीं थी अतः उसे दिनांक 28/8/93 से नियोजित नहीं किया गया। यह उल्लेख करना भी उचित होगा कि प्रार्थी के द्वारा न्यायालय के आदेशों की अवमानना का प्रार्थना पत्र प्रस्तुत किया गया, जिसमें उसने उल्लेख किया था कि प्रार्थी दिनांक 30-8-93 को नौकरी पर गया तो उसे कार्यालय में नहीं घुसने दिया गया। जवाब में विपक्षी की ओर से उल्लेख किया गया है कि प्रार्थी का विपक्षी संस्थान से कोई सम्बन्ध न होने के कारण बिना अधिकारियों की अनुमति के कार्यालय में प्रवेश करने का कोई कानूनी अधिकार नहीं है। प्रार्थी के द्वारा सेवा समाप्ति की आशंका होने पर उसके द्वारा वाद प्रस्तुत किया गया। सेवा समाप्ति के बारे में न्यायालय की अवमानना का प्रार्थना पत्र प्रस्तुत किया गया एवं उसके पश्चात् प्रार्थी के द्वारा समझौता अधिकारी के समक्ष सेवा समाप्ति के बारे में विवाद उठाया गया, जिससे ऐसा प्रकट नहीं होता कि प्रार्थी ने स्वयं सेवा का परित्याग कर दिया है। इस बारे में यह उल्लेख करना उचित होगा कि उत्तम न्यायालय ने एफ. आई. ओर. 2000 सुप्रीम कोर्ट पृष्ठ 569 मैसर्स नैशनल इन्जिनियरिंग बनाम स्टेट ऑफ राजस्थान के मामले में यह अभिनिर्धारित किया है कि अधिकरण की यह अधिकारिता प्राप्त नहीं है कि निर्देश को दूषित घोषित कर सके।

बिन्दु संख्या 1:— निर्देश आदेश में उल्लेख है कि प्रार्थी को दिनांक 28-8-92 से 27-8-93 तक 295 दिन नियोजन में रखा गया था। प्रार्थी ने अपने शपथपत्र में उल्लेख किया है कि उसने विपक्षी संस्थान में दिनांक 7-11-91 से 28-8-93 तक चतुर्थ श्रेणी कर्मचारी ड्राइवर के बतौर 40/- रुपये प्रतिदिन के वेतन पर दैनिक वेतनभोगी कर्मचारी के रूप में 295 दिन तक निरन्तर कार्य किया। यह भी उल्लेख किया कि सेवामुक्ति से पूर्व के बारह महीनों में 240 दिन से अधिक कार्य किया। अप्रार्थी की ओर से के.जी. पारीक का कथन है कि प्रार्थी ने दिनांक 7-11-91 से 27-8-93 के मध्य तक ड्राइवर का कार्य किया था। उसका कथन है कि प्रार्थी ने 295 दिन कार्य किया हो तो वह नहीं कह सकता। असफल वार्ता प्रतिवेदन में अप्रार्थी की ओर से स्वीकार किया गया है कि प्रार्थी के द्वारा दिनांक 7-11-93 से 27-8-93 तक चतुर्थ श्रेणी कर्मचारी के रूप

का कार्य लिया जाना प्रमाणित है व इसका क्या प्रभाव होगा बिन्दु संख्या 7 पर विचार करते समय विचार किया जाएगा । इस बारे में विवाद नहीं है कि प्रार्थी को नियमित रूप से उक्त पद पर नियुक्त नहीं किया गया । अप्रार्थी का यह कथन कि प्रार्थी की सेवा मुक्ति नहीं की गई, बिन्दु संख्या -3 के निनिश्चय के आधार पर विश्वास किये जाने योग्य नहीं है ।

बिन्दु संख्या 5 :— प्रार्थी के द्वारा विपक्षी संस्थान में सेवा समाप्ति के पूर्व के एक वर्ष में 240 दिन से अधिक कार्य करना प्रमाणित है। यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति से पूर्व अप्रार्थी द्वारा अधिनियम 1947 की धारा 25-एफ के प्रावधानों के अनुसार न तो एक माह का नोटिस दिया गया न नोटिस के बदले में नोटिस वेतन व न क्षतिपूर्ति। अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती। उन्होंने अपने तर्क के समर्थन में 2000(3) एस. सी. टी. 788 नरेन्द्र सिंह सोलंकी बनाम राँ एण्ड फिनिशिंग प्रोडक्शन प्राइवेट लिमिटेड को उद्धृत किया है उक्त मामले में नियोजक के द्वारा कोई ऐसा कार्य नहीं किया गया था, जिसके द्वारा श्रमिक को कार्य करने से रोका गया हो। ऐसा तथ्य भी नहीं पाया गया कि श्रमिक ने कार्य हेतु अपने आप को उपस्थित किया हो व नियोजक ने उसे रोका हो। उक्त परिस्थितियों में श्रमिक का मामला छंटनी के तहत नहीं पाया व उसके द्वारा स्वयं सेवा का परित्याग करना पाया। प्रस्तुत मामले के तथ्य उक्त मामले से भिन्न है। बिन्दु संख्या -3 के विनिश्चय में यह पाया गया है कि अप्रार्थी द्वारा प्रार्थी को कार्य पर नहीं लिया गया। अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती व अधिनियम 1947 की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। उन्होंने अपने तर्क के समर्थन में निम्नांकित न्याय दृष्टान्त उद्धृत किये हैं :—

(1) 1998 (8) एससीसी 733 स्टेट ऑफ हरियाणा
बनाम ओम प्रकाश ।

(3) 1998 (2) एल.एल.एन. 119 अरविन्द कुमार
अग्रवाल बनाम स्टेट ऑफ उत्तर प्रदेश ।

(5) 1998 (11) एल.एल.जे. 15 हिमान्शु कुमार
विद्यार्थी बनाम स्टेट ऑफ़ निहार.।

(6) 1993 (67) एफ. एल. नं. 1039 कुदरत्नी
सर्विस कॉऑपरेटिव बैंक लिमिटेड बनाम
एम. एम. लिली ।

(7) 1995 (8) एस. एल. आर. 781 जसपाल सिंह बनाम लेबर कोर्ट, पटियाल ।

(8) 1992 (3) डब्ल्यू. एल. सी. (राज.) 533 रामप्रताप बनाम स्टेट बैंक ऑफ राजस्थान व अन्य ।

(9) 1996 डब्ल्यू. एल. सी. (यू. सी.) 358 (राज.) शशिकान्त बनाम स्टेट ऑफ राजस्थान व अन्य ।

1998 (8) एस. सी. सी. 733 के मामले में कर्मकार ड्यूटी के लिए उपस्थित नहीं हुआ था व 3 वर्ष अनुपस्थित रहा था, नियोजक के द्वारा सेवा समाप्त नहीं पाई गई व अधिनियम, 1947 की धारा 25-एफ का आकृष्ट होना नहीं पाया गया । उक्त मामले के तथ्य प्रस्तुत मामले से भिन्न हैं । प्रस्तुत मामले में यह प्रमाणित हो चुका है कि अप्रार्थी के द्वारा प्रार्थी को कार्य पर नहीं लिया गया । 1998 (3) एस. एल. आर. 395 के मामले में प्रार्थी प्रमाणित नहीं कर सका कि उसने 240 दिन की सेवा पूर्ण कर ली थी, धारा 25-एफ का आकृष्ट होता नहीं पाया गया । इस विधिक स्थिति के बारे में कोई विवाद नहीं है । प्रस्तुत मामले में उक्त न्याय दृष्टान्त लागू नहीं होता । 1998 (2) एल. एल. एन. 119 के मामले में याची को तदर्थ आधार पर नियुक्त किया गया था व संविदा के तहत उसकी नियुक्ति समाप्त हुई थी, अतः उसका पद धारित होने का अधिकार नहीं पाया । प्रस्तुत मामले ऐसा नहीं है कि प्रार्थी की नियुक्ति एक निश्चित अवधि के लिए की गई हो, जिसकी समाप्ति पर प्रार्थी की सेवा समाप्ति हो गई हो । 1999 (81) एफ. एल. आर. 319 के मामले में कर्मकार को दैनिक मजदूरी के आधार पर नियुक्त किया गया था । यह अभिनिर्धारित किया गया कि सेवा प्रत्येक दिन की शाम को समाप्ति हो जाती थी व उसे नियोजित करने से इंकार करना छंटनी के तहत नहीं आता । यह भी अभिनिर्धारित किया गया कि दैनिक मजदूरी व आकस्मिक आधार पर नियोजित कर्मकारों की सरकारी सेवा में पिछले दरवाजे से नियुक्ति नहीं की जा सकती । 1998 (II) एल. एल. जे. 15 के मामले में माननीय उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया कि अस्थायी दैनिक मजदूरी पर कार्यरत कर्मचारियों को नियोजित न करना छंटनी के तहत नहीं आता । 1993 (67) एफ. एल. आर. 1039 के मामले में केरल उच्च न्यायालय के द्वारा अभिनिर्धारित किया गया कि छंटनी हेतु नियोजक व सेवक का विधिक सम्बन्ध प्रमाणित होना आवश्यक है । 1995 (8) एस. एल. आर. 781 के मामले में यह अभिनिर्धारित किया गया कि नियोजन की शर्तों के अनुसार सेवा समाप्ति छंटनी के तहत नहीं आती । 1992 (3) डब्ल्यू. एल. सी. (राज.) 533 के मामले में यह अभिनिर्धारित किया गया कि नियुक्ति की संविदा नियमों के अनुसार न होने के कारण अधिनियम, 1947 की धारा 25-एफ आकृष्ट नहीं होती । 1996 डब्ल्यू. एल. सी. (यू. सी.) 358 के मामले में यह अभिनिर्धारित किया गया है कि दैनिक मजदूरी पर कार्यरत श्रमिक एवं नियुक्ता

दोनों सेवा समाप्त करने के लिये स्वतंत्र होते हैं । इस बारे में तो कोई विवाद नहीं है कि प्रार्थी को दैनिक मजदूरी के आधार पर अप्रार्थी के द्वारा नियोजित किया गया था । 1998 एस. सी. सी. (एल. एण्ड एस.) 701 रतनसिंह बनाम यूनियन ऑफ इण्डिया के मामले में माननीय उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया कि दैनिक मजदूरी पर कार्यरत कर्मकार की सेवा समाप्ति यदि उसने लगातार अधिनियम के तहत निर्धारित अवधि तक सेवा कर ली है तो अधिनियम 1947 के प्रावधान आकृष्ट होंगे । 1998 (II) 15 पर राजस्थान उच्च न्यायालय के द्वारा आर. एल. आर. 1998 (II) राज. 11 (11) विजय नगर कृषि विभाग सहकारी बैंक लिमिटेड बनाम लेबर जज, अजमेर के मामले में विधान किया व इस आधार पर उक्त मामले से अन्तर किया गया कि उक्त मामला उच्च न्यायालय में संविधान के अनुच्छेद 226 के तहत इस आधार पर प्रस्तुत किया गया था कि सेवा समाप्ति स्वच्छाचारी थी, जब कि प्रार्थी का मामला अधिनियम, 1947 की धारा 25-एफ के उल्लंघन पर आधारित था । 1994 एस. एल. आर. 154 पंजाब लैण्ड डेवलपमेंट एण्ड रिवलैमेशन कारपोरेशन लिमिटेड व अन्य बनाम लेबर कोर्ट, चण्डीगढ़ के मामले में उच्चतम न्यायालय के द्वारा यह अभिनिर्धारित किया गया है कि चेयरमैन को नियुक्ति का अधिकार नहीं था, इस आधार पर भी सेवा समाप्ति छंटनी के तहत आती है । ऐसा ही मत राजस्थान उच्च न्यायालय ने आर. एल. आर. (1) 439 प्रसुदयाल जाट बनाम अलवर एस. बी. बी. बी. के मामले में व्यक्त किया है । उक्त न्याय दृष्टान्तों के अनुसार केवल इस कारण से कि प्रार्थी की नियुक्ति नियमों के अनुसार नहीं की गई थी यह नहीं कहा जा सकता कि प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती । 1996 डब्ल्यू. एल. सी. (यू. सी.) राजस्थान 358 शशिकान्त बनाम स्टेट ऑफ राजस्थान के मामले में संविधान के अनुच्छेद 14, 16, 226 के अंतर्गत याचिका प्रस्तुत करने पर यह निर्णय दिया गया था कि दैनिक मजदूरी पर कार्यरत श्रमिक व नियोजक दोनों ही सेवा समाप्त करने के लिए स्वतंत्र होते हैं व अधिनियम 1947 की धारा 25-एफ के प्रावधानों पर विचार नहीं किया गया । अधिनियम, 1947 की धारा 2 के खंड (ओओ) के अनुसार नियोजक के द्वारा प्रत्येक प्रकार की सेवा समाप्ति छंटनी के तहत आयेगी यदि वह बतौर-दण्डस्वरूप न हो व उक्त खंड में दो गई छंटनी को परिभाषा के अंतर्गत अपवाद के तहत नहीं आती हो । प्रार्थी की सेवा समाप्ति न तो दण्डस्वरूप की गई व न छंटनी के तहत आती है व प्रार्थी की सेवा समाप्ति स्वतंत्र छंटनी के तहत आती है । अप्रार्थी के द्वारा प्रार्थी की सेवा समाप्ति करने से पूर्व एक माह का नोटिस न देने व नोटिस के बदले में नोटिस वेतन एवं छंटनी का मूआझजा न देना अधिनियम, 1947 की धारा 25-एफ का उल्लंघन है । अतः अप्रार्थी के द्वारा अधिनियम की धारा 25-एफ का उल्लंघन कर प्रार्थी की सेवा समाप्ति करना प्रमाणित है ।

विनियम 7:—अप्राप्ति के विधान प्राप्ति का तर्क है कि अप्राप्ति संस्थान में हाईवर कम-चतुर्थ श्रेणी कर्मचारी का कोई पद नहीं है। उनका यह भी तर्क है कि प्राप्ति की सेवाओं की विपक्षी संस्थान में आवश्यकता नहीं है, अतः अधिनियम की धारा 25-एफ का उल्लंघन प्रमाणित होने की दशा में भी प्राप्ति को विपक्षी संस्थान में पुनः नियोजित करने का निर्देश नहीं दिया जा सकता। उन्होंने अपने तर्क के समर्थन में 1996 (72) एफ.एल.आर. पृष्ठ 804 स्टेर ऑफ हिमाचल प्रदेश बनाम सुरेश कुमार वर्मा को उद्धृत किया है, जिसमें अभिनिर्धारित किया गया है कि प्रत्यर्थीगण को जिस प्रोजेक्ट पर नियुक्त किया गया था, के समाप्त होने पर उन्हें पुनः नियोजित करने का निर्देश नहीं दिया जा सकता। उक्त न्याय दृष्टान्त प्रस्तुत मामले पर लागू नहीं होता। अप्राप्ति का ऐसा कथन नहीं है कि प्राप्ति को किसी प्रमुख प्रोजेक्ट में कार्य किए जाने हेतु नियुक्त किया गया हो। अप्राप्ति के विधान अधिवक्ता के द्वारा नियमितकरण से संबंधित कई न्याय दृष्टान्त प्रस्तुत किए गए जो सुव्यंगत प्रतीत नहीं होते, क्योंकि प्रस्तुत विवाद प्राप्ति की सेवा के नियमितकरण का नहीं है। ऐसी दशा में उनका उल्लेख करना उचित प्रतीत नहीं होता। अप्राप्ति के विधान अधिवक्ता के द्वारा यह भी तर्क दिया गया है कि प्राप्ति के द्वारा विवाद देरी से उठाया गया है व "कार्य नहीं तो वेतन नहीं" के सिद्धान्त के आधार पर प्राप्ति को पिछली मजदूरी नहीं दी जानी चाहिए। उन्होंने अपने तर्क समर्थन में 1991 (62) एफ.एल.आर. 683 माधोशंकर देव बनाम स्टेट ऑफ राजस्थान व (1994) 5 सुप्रीम कोर्ट कैसेज 572 सिण्डीकेट बैंक व अन्य बनाम के उभेग नायक को उद्धृत किया है। सिण्डीकेट बैंक के मामले में यह अभिनिर्धारित किया गया है कि हड़ताल के समय की मजदूरी ऐसी दशा में देय है जब कि हड़ताल विधिक एवं उचित हो। उक्त मामला प्रस्तुत मामले पर लागू नहीं होता। माधोशंकर देव बनाम स्टेट ऑफ राजस्थान के मामले में छठनी जुलाई, 1984 में की गई थी फरवरी, 1987 में याचिका के जरिये विवाद उठाया गया था। पिछली मजदूरी नहीं दिलाई गई। अधिनियम 1947 में विवाद उठाये जाने के बारे में कोई समय सीमा निर्धारित नहीं है। प्राप्ति की सेवा समाप्ति अगस्त, 1993 में की गई, जब कि प्राप्ति के द्वारा विवाद समझौता अधिकारी के समक्ष सन् 1995 में उठाया गया। प्राप्ति द्वारा स्वीकार किया गया है कि वह मजदूरी करता है, जिससे उसका घर का खर्च चल जाता है। उक्त परिस्थितियों में प्राप्ति को पिछली मजदूरी के रूप में 30 प्रतिशत मजदूरी दिलाया जाना उचित प्रतीत होता है। अप्राप्ति का ऐसा कथन नहीं है कि चतुर्थ श्रेणी कर्मचारी का पद विपक्षी संस्थान में नहीं है, अतः ऐसी दशा में अप्राप्ति को ऐसा निर्देश दिया जा सकता है कि वह प्राप्ति को चतुर्थ श्रेणी कर्मचारी के पद पर पुनः नियोजित करे।

उक्त विवेचन के आधार पर विपक्षी द्वारा प्राप्ति की सेवा समाप्ति अवधि एवं अनुचित पाई जाती है। प्राप्ति

विपक्षी संस्थान में दसों चतुर्थ श्रेणी कर्मचारी के 30 प्रतिशत पिछली मजदूरी सहित पुनः सेवा में सेवा की निरन्तरता सहित बहाल होने का अधिकारी होगा। विपक्षी संस्थान अधिनियम, 1947 की धारा 25-एफ की पालना कर प्राप्ति की सेवा समाप्त करने के लिये स्वतंत्र होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

ह/-

पीठासीन अधिकारी

नई दिल्ली, 13 नवम्बर, 2000

का.आ. 2646.— औद्योगिक विसाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-2000 को प्राप्त हुआ था।

[सं.एल-12012/147/94-आई.एल.एल. (बी-II)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th November, 2000

S.O. 2646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 10-11-2000.

[No. L-12012/147/94-IR(B-II)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/147/94

Presiding Officer : Shri K. M. RAI.

Smt. Noorjahan Begam,
through the President,
M.P. Dena Bank Staff Union,
Dena Bank,
Raipur

Applicant

Versus

The Regional Manager,
Dena Bank,
Regional Office,
Raipur

Non-applicant.

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide order No. L-12012/147/94-IR B. II dated 24-8-94 has referred the following dispute for adjudication by this tribunal:—

"Whether the action of the management of Dena Bank, Raipur in terminating the services of Smt. Noorjahan

Sweeper w.e.f. 2-11-93 is justified? If not, what relief is the said workman entitled to?"

2. The case for the workman is that she was recruited as cleaner/sepoy in the month of March, 1989 by the management for its extension counter at Durg. She continuously worked for the period of 793 days till the date of her termination on 22-11-93. During this period the management did not pay her the prescribed wages and other benefits according to the bipartite settlement for the services rendered by her. During this period the management effected illegal breaks in her service. Even after the said break the workman worked continuously for 120 days in six months in the year 1992 and 2nd time also in the year 1993. On 22-11-93, the management without complying with the provisions of Sec. 25 F of the Industrial Dispute Act, 1947 terminated her services. She is therefore entitled to regularisation with full back wages and other monetary benefits.

3. The management's case in brief is that the Bank maintains and approved pannel of candidates who are engaged by the Bank, whenever there is leave vacancy or vacancy of temporary nature in subordinate cadre. The Bank has also few part time cleaners in subordinate cadres, who are permanent staff of the bank. Their duties include cleaning the premises and storing water etc. They are posted at same branches of the Bank as per their need. There is another class of employees called full time sub-staff whose duties are connected with main branch function like filing the bills, collection and stitching notes etc. When a vacancy in permanent part time cleaner posts occurs, the candidates from the approved panel who are engaged as badlees, are appointed, part time cleaners as per their seniority.

4. As per para 18.4 of the bipartite settlement dated 10-4-89, whenever the vacancy in full time sub-staff occurs the permanent part time cleaners are appointed in such vacancies subject to fulfilling recruitment norms. For the candidate to become full time subordinate he has to pass through pannel stage of the part time cleaner stage. The workman never passes through the said recruitment norms.

5. The management further alleges that the workman was never recruited as a subordinate in the bank. She was engaged as a casual labour on daily wage basis for performing sundry job including cleaning/storing water etc. Her duties were neither fixed nor defined. There is no employer employee relationship between the applicant and the bank. Her services were utilised as per the exigencies and the need of the branch. Her job was not the regular full time job and in such case the relationship with the bank came to an end as soon as her job was over. The workman was neither included in the approved panel of the bank nor she falls under the category of permanent part time or full time subordinate cadre of the bank. The Durg branch of the bank had been provided with permanent part time subordinates attending cleaning, storing water etc. This branch was also provided with full time subordinates who attend to regular duties at the branch on full time basis.

6. It is also alleged by the management that the candidates are sponsored through employment exchange and those candidates, who fulfil recruitment norms are called for interview. The pannel of such selected candidates are prepared for absorbing them for future vacancies in subordinate cadre of the Bank. The workman was never sponsored through employment exchange as required by rules. In view of all these reasons, the workman is not entitled to the regularisation nor to get any other benefits.

7. The sole point for determination in the case is as to whether the workman is entitled to regularisation and other financial benefits as claimed by her?

8. It is an admitted fact that for appointment in Bank in subordinate cadre, certain guidelines/procedures are provided by the Government of India. Under the recruitment norms, Bank recruits candidate to the subordinate cadre from the approved panel considering all candidates sponsored by the Employment Exchange on their fulfilling eligibility norms with regard to the age and educational qualifications at the time of appointment. The permanent full time vacancies in the subordinate cadre are filled up by giving preference to

existing permanent time employees of the Bank and the candidate whose name appears in the approved pannel would be eligible for appointment as part time subordinate based on their seniority.

9. In the light of above guidelines, the workman in the instant case does not fulfil the said conditions for the recruitment in the subordinate cadre of the Bank. She was engaged without following the rules and regulations governing recruitment of employees in subordinate cadre. The workman was initially engaged on casual basis. She was to clean the Bank premises and to store drinking water. She had to perform her duty for the limited hour in a day and accordingly she was paid the wage proportionately to the work done by him in a day. She was not to work for the whole day in the Bank. If any person secures engagement as daily wage employee by other means without following the laid down rules and regulations, then he cannot claim any extra benefits like regularisation in the service etc. The workman was only daily wage employee and therefore she had no right to the post. Any employment without following the laid down procedure is illegal and amounts to violation of Articles 14 and 16 of the constitution of India.

10. For the recruitment of subordinate staff, the procedure has been laid down by the bank. The vacancy was neither notified nor the name of the workman was sponsored by the Employment Exchange for the recruitment. The candidate fulfilling the norms of recruitment are called from the Employment Exchange and are interviewed for their suitability. A panel of selected candidates is prepared by the Regional Office and is proved by the Head Office of the Bank. The candidates from this panel are drawn from time to time to fill up the leave/permanent vacancies in subordinate cadre as and when required. Any person appointed in violation of this rule shall not be entitled to the regularisation or other benefits. The present workman had never undergone the process of selection for the subordinate staff. She was never employed in the banks service. Her employment was absolutely on the basis of need of the work as and when arose. The persons, who have been alleged to have been appointed by the Bank after termination of their service, were taken from the approved pannel and had undergone the process of selection. A casual labour does not have a right of preference in the matter of appointment when permanent appointment is made.

11. On the reasons stated above, the workman is not entitled to the regularisation in Banks service and other beneficial benefits as claimed by him. In view of this matter, the reference is accordingly answered in favour of management and against the workman.

12. Copy of award be sent to the Government of India Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 13 नवम्बर, 2000

का.आ. 2647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-2000 को प्राप्त हुआ था।

[सं.एल-12012/148/94-आईआर(बी-II)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th November, 2000

S.O. 2647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in

annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 10-11-2000.

[No. L-12012/148/94-IR(B-II)]
B. M. DAVID. Under Secy-

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/148/94

Presiding Officer : Shri K. M. Rai.
Shri Basant Kumar Yadav,
through President, M. P. Dena Bank,
Employees Union, Dena Bank,
Raipur.

Applicant.

Versus

The Regional Manager,
Dena Bank,
Regional Office,
Raipur.

Non applicant.

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide Order No. L-12012/148/94-IR(B. II) dated 24th August, 1991 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of Dena Bank, Raipur in not regularising and terminating the services of Shri Basant Kumar Yadav, cleaner-cum-sepoy w.e.f. 1-10-93 is justified? If not, what relief the said workman is entitled to?"

2. The case for the workman is that he was employed as cleaner-cum-sepoy on 7-6-91 for the Banks branch at Bhilai, Power House temporarily. He continuously worked for a period of 955 days till 3-9-94 when his services were terminated by the Bank. The Bank did not comply with the provisions of Section 25-F of the I.D. Act, 1947 while terminating his services. The management had effected illegal breaks in his service and even then he worked for 240 days in the year 1991 and in September, 1992 and August, 1993. He is therefore, entitled to get regularisation other financial benefits.

3. The management's case in brief is that the Bank maintains an approved panel of candidates who are engaged by the Bank, whenever there is leave vacancy or vacancy of temporary nature in subordinate cadre. The Bank has also few part-time cleaners in subordinate cadres, who are permanent staff of the bank. Their duties include cleaning the premises and storing water etc. They are posted at same branches of the bank as per their need. There is another class of employees called full time sub-staff whose duties are connected with main branch function like filing the bills, collection and stitching notes etc. When a vacancy in permanent part time cleaner posts occurs, the candidates from the approved panel, who are engaged as badlies, are appointed part time cleaners as per their seniority.

4. As per para 18.4 of the bipartite settlement dated 10-4-89, whenever the vacancy in full-time sub-staff occurs the permanent part-time cleaners are appointed in such vacancies subject to fulfilling recruitment norms. For the candidate to become full-time subordinate he has to pass through panel stage of the part-time cleaner stage. The workman never passed through the said recruitment norms.

5. The management further alleges that the workman was never recruited as a subordinate in the bank. He was engaged as a casual labour on daily wage basis for performing sundry jobs including cleaning/storing water etc. His duties were neither fixed nor defined. There is no employer employee relationship between the applicant and the bank. His services were utilised as per the exigencies and the need of the branch. His job was not the regular full-time job and in such case the relation with the bank came to an end as soon as the job was over. The workman was neither

included in the approved panel of the bank nor she falls under the category of permanent part-time or full-time subordinate cadre of the bank. The Power House, Bhilai branch of the bank had been provided with permanent part-time subordinates attending cleaning, storing water etc. This branch was also provided with full-time subordinates who attend to regular duties at the branch on full-time basis.

6. It is also alleged by the management that the candidates are sponsored through employment exchange and those candidates, who fulfil recruitment norms are called for interview. The panel of such selected candidates are prepared for absorbing them for future vacancies in subordinate cadre of the Bank. The workman was never sponsored through employment exchange as required by rules. In view of all these reasons, the workman is not entitled to the regularisation nor to get any other benefits.

7. The sole point for determination in the case is as to whether the workman is entitled to regularisation and other financial benefits as claimed by him?

8. It is an admitted fact that for appointment in Bank in subordinate cadre, certain guidelines/procedures are provided by the Government of India. Under the recruitment norms, Bank recruits candidate to the subordinate cadre from the approved panel considering all candidates sponsored by the Employment Exchange on their fulfilling eligibility norms with regard to the age and educational qualifications at the time of empanelment. The permanent full-time vacancies in the subordinate cadre are filled up by giving preference to existing permanent time employees of the Bank and the candidates whose name appears in the approved panel would be eligible for appointment as part-time subordinate based on their seniority.

9. In the light of above guidelines, the workman in the instant case does not fulfil the said conditions for the recruitment in the subordinate cadre of the Bank. He was engaged without following the rules and regulations governing recruitment of employees in subordinate cadre. The workman was initially engaged on casual basis. He was to clean the Bank premises and to store drinking water. He had to perform his duty for the limited hour in a day and accordingly he was paid the wage proportionately to the work done by him in a day. He was not to work for the whole day in the Bank. If any person secures engagement as daily wage employee by other means without following the laid down rules and regulations, then he cannot claim any extra benefits like regularisation in the service etc. The workman was only daily wage employee and therefore he had no right to the post. Any employment without following the laid down procedure is illegal and amounts to violation of Articles 14 and 16 of the Constitution of India.

10. For the recruitment of subordinate staff, the procedure has been laid down by the bank. The vacancy was neither notified nor the name of the workman was sponsored by the Employment Exchange for the recruitment. The candidate fulfilling the norms of recruitment are called from the Employment Exchange and are interviewed for their suitability. A panel of selected candidates is prepared by the Regional Office and is proved by the Head Office of the bank. The Candidates from this panel are drawn from time to time to fill up the leave/permanent vacancies in subordinate cadre as and when required. Any person appointed in violation of this rule shall not be entitled to the regularisation or other benefits. The present workman had never undergone the process of selection for the subordinate staff. He was never employed in the banks service. His employment was absolutely on the basis of need of the work as and when arose. The persons, who have been alleged to have been appointed by the Bank after termination of their service, were taken from the approved panel and had undergone the process of selection. A casual labour does not have a right of preference in the matter of appointment when permanent appointment is made.

11. On the reasons stated above, the workman is not entitled to the regularisation in Banks service and other beneficial benefits as claimed by him. In view of this matter, the reference is accordingly answered in favour of management and against the workman.

12. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 13 नवम्बर, 2000

का.अ. 2648:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-11-2000 को प्राप्त हुआ था।

[सं.एल-12012/149/94-आईआर(बी-II)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 13th November, 2000

S.O. 2648.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 10-11-2000:

[No. L-12012/149/94-IR(B-II)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/189/94

Presiding Officer : Shri K. M. Rai
Shri Teekam Singh Kaushik,
through President, M. P. Dena Bank,
Staff Union,
Raipur

Applicant

Versus

The Regional Manager,
Dena Bank,
Raipur

Non-applicant

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide order No. L-12012/149/94 dated 11-10-94 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Dena Bank, Raipur in not regularising and terminating the services of Shri Teekam Singh Kaushik casual workman is justified? If not, what relief the said workman is entitled to?”

2. The case for the workman is that he was appointed as clerk in the month of March, 1992 temporarily for the bank's branch at Jamul. He worked continuously for 2 years till 16-5-94 as a clerk. During this period the management did not pay him the prescribed wages and other monetary benefits. His services were terminated by the bank without complying with the provisions of Sec. 25-E of the ID Act, 1947. He is, therefore, entitled to regularisation with all other benefits.

3. The case for the management in brief is that the workman was employed as casual worker for sweeping bank premises and to perform other miscellaneous job. His engagement was for part of the day. He was paid wages proportionate to the work done by him. There was no permanent employment between the Bank and the clerk. He was never recruited for performing regular duties nor did he worked as permanent employees of the bank. For recruitment in the bank, certain procedures are laid

down and those formalities must be observed. In the present case, no appointment as per procedure was made. There was no employment relationship between the bank and the applicant. The recruitment of the candidates for the posts of clerk in the bank is undertaken by the Bank Services Recruitment Board through competitive examination at All India level. In this case, no such formality has been done. In view of this fact, the workman is not entitled to regularisation as claimed by him.

4. Whether the workman is entitled to regularisation as a clerk and other benefits as claimed by him.

5. It is an admitted fact that the recruitment of clerical staff in the bank is undertaken by the Banking Service Recruitment Board through a competitive examination at All India level. The competitive examination consists of a written test as well as interview. The workman did not come through this process. According to him, he was appointed by the Branch Manager of the Bank. The Branch Manager has not authority to appoint any body as a clerk superseding all the procedures laid down for the recruitment. The candidate should also be sponsored through the employment exchange. This process was also not adopted in the case of present workman, without observing these formalities, any appointment of clerk through back door is absolutely illegal on the basis of which no regularisation can be given to any person. Temporary employee though qualified and eligible cannot be regularised merely on the ground that he was working continuously for more than 240 days.

6. In the instant case the workman was given casual appointment by the bank in cleaning the premises and storing drinking water etc. He had to perform his duty not for the whole day but for a limited period and accordingly he was given the payment proportionate to the work done by him. For the appointment of this post, neither any advertisements were made by the Bank nor the name of workman was sponsored through the Employment Exchange. These facts also do not give any right to the workman for regularisation in the Bank service.

7. In view of the foregoing reasons, the workman is not entitled to regularisation of his service as clerk in the Bank as claimed by him. The reference is accordingly answered against the workman and in favour of the management.

8. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 14 नवम्बर, 2000

का.अ. 2649:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-2000 को प्राप्त हुआ था।

[सं.एल-12012/26/99-आईआर(बी-II)]

एन. पी. केशवान, डेस्क अधिकारी

New Delhi, the 14th November, 2000

S.O. 2649.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 13-11-2000.

[No. L-12012/26/99-IR(B-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR

Industrial Dispute No. 124 of 1999

Sri Sanjay Kumar Jain,
O/Sri S. P. Singhal,
13-A, Keshavkunjia Pratap Nagar,
Agra. (U.P.)

AND

Punjab National Bank,
Regional Manager, Punjab National Bank,
Regional Office, Vibhav Nagar,
Agra (U.P.)

AWARD

1. Central Government, Ministry of Labour, vide notification no. L-12012/26/99/IR(B-II) dated 29-4-99, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Regional Manager Punjab National Bank in terminating from the services of Sh. Sanjay Kumar Jain w.e.f. 12-10-93 is legal and justified? If not what relief the workman is entitled to?”

2. Sanjay Kumar Jain, the concerned workman in his statement of claim has stated that he was appointed as clerk-cum-typist in the bank vide order dt. 30-4-86 and was confirmed vide order dated 12-11-86. He rendered his duties honestly and to the full satisfaction of his superiors. He rendered his services continuously for six years but his name was struck off from the roll of the bank vide order dated 12-10-93. He alleged that no chargesheet was ever served on him nor any disciplinary action was taken before the aforesaid order dated 12-10-93 was passed. Striking off of his name from the muster roll of the bank vide order dated 12-10-93, amounted to retrenchment as management did not make compliance with the mandatory provisions of section 25F, 25G and 25H of the Act, the retrenchment of the workman was illegal and he was entitled to be reinstated in service with back wages. He has further alleged that the management has coined the story of voluntarily cessation of employment of the workman under clause 17 of Bipartite Settlement dt. 10-4-89 which is baseless. It has been alleged that clause 17 of B.P.S. dated 10-4-89 is illegal unconstitutional and against principles of natural justice. Hence the action taken against the workman in accordance with clause 17 of BPS dt. 10-4-89 is also illegal and is liable to be set aside. It has been alleged that the workman after absence from duty before 2-7-93 resumed his duties on 2-7-93. He further stated that after 2-7-93 he worked till 6-7-93 but he became absent from duties from 7-7-93 for the reasons beyond his control. He stated that the notices alleged to have been sent by the management to him under clause 17 of BPS were never served on him and ex parte decision of the bank that the workman voluntarily took retirement from the service of the bank is without basis and is illegal. He stated that the workman who was an employee of the bank could not abandoned his job voluntarily. On the basis of these allegations he has prayed that the action of the management in terminating his services vide order dated 12-10-93, be held as illegal and unjustified which deserves to be set aside and he is entitled to be reinstated in service with full back wages.

3. The management of the bank has admitted that Sanjay Kumar Jain the concerned workman was employed as clerk in the bank and later on he was confirmed on that post. It has been alleged by the bank that service conditions of the employees of the bank are governed by the provisions of Sashtri Award Desai Award and various Bipartite Settlement. It has been alleged that the provisions of paragraph 17 of BPS are binding on the workman and it was open for the bank to take action against him in accordance with the provisions of paragraph 17 of BPS. It has been alleged that Mr. Sanjay Kumar Jain, the concerned workman was in the habit of

remaining absent from duty without any leave. He again absented himself from duties w.e.f. 12-10-93, hence notice dated 28-3-93 in terms of paragraph 17 of BPS dated 10-4-89 was sent to him by registered post advising him to report for duty within 30 days failing which he shall be deemed to have voluntarily retired from the services of the bank. Sri Jain in response to the said notice dated 28-3-93 reported for duty on 2-7-93. However, he again absented himself from his duty w.e.f. 7-7-93 for more than 30 days. Hence according to the provisions of paragraph 17 (c) of BPS another notice was sent to him by registered post. Despite service of that notice the workman did not report for duty within time given in the notice, hence the bank had every reason to believe that the workman had voluntarily sought retirement from service. Consequently the competent authority passed order dt. 12-10-93 indicating that action had already been taken under paragraph 17 of BPS dt. 10-4-89 against the workman and his name has been struck off from the rolls of the bank. It has been alleged that the action taken by the management against the workman is wholly justified and there is no illegality. It has been alleged that the claim filed by the workman is without basis and is liable to be rejected.

4. The workman has filed rejoinder in which he has reiterated the allegations made in the statement of claim. He stated that the notices alleged to have been sent by the management to him under paragraph 17 of BPS dt. 10-4-89 were not served on him and he did not report for duty on 2-7-1993 in compliance of the notice sent by the bank. He stated that striking off his name from the roll of the bank vide order dt. 12-10-1993 was illegal because it amounted his retrenchment without compliance of the mandatory provisions of the Industrial Disputes Act, 1947.

5. The workman has filed his affidavit in support of his case and was cross examined by the management. He also filed a number of documents in support of his case. The management examined Sri M. S. Tomar M.W.I and filed a number of documents in support of its case.

6. I have heard the workman who had appeared in person and authorised representative for the management and have gone through the written arguments filed by the parties and the record of the case. The workman has contended in his pleading as well as in his arguments that provisions of paragraph 17 of BPS dt. 10-4-1989 are illegal and unconstitutional and are hit by the principles of natural justice and are not binding on the workman. After going through the record of the case and the legal position on the point I do not find any force in this contention. The workman has filed his appointment letter dated 30-4-1986 which is ext. W.1 on the record. In paragraph (4) of his appointment letter it was clearly provided that the workman will be bound by the rules and regulations of the bank and award, settlements enforce from time to time in the matters relating to salaries, allowances, leave, travelling allowances and other conditions of service etc. Accepting this condition the workman joined the post of clerk cum typist in the bank. Thus the workman accepted these conditions of appointment letter before joining the service. Now it does not lie in his mouth to say that the terms of settlement which regulated the service conditions of the employees & bank were not binding on him. Secondly the validity of similar provisions of Bipartite Settlement relating to Syndicate Bank versus The General Secretary, Syndicate Bank Staff Association and Anr. JT 2000 (5) SC 243 was considered by the hon'ble Supreme Court. The provisions of paragraph 16 of that Bipartite Settlement were held by the Syndicate Bank to be valid and consistent with the principle of natural justice. The law laid down in the case cited above fully applies to the facts of the present case also. The workman has not been able to file any judgment of any court indicating that provisions of paragraph 17 of BPS dt. 10-4-1989 are ultravires and illegal. In view of the aforesaid judgment of the Hon'ble Supreme Court, I find that provisions of para 17 of BPS dated 10-4-1989 are valid and are binding on the workman Sri Sanjay Kumar Jain. I, therefore, reject the contention of the workman regarding the illegality of the provisions of paragraph 17 of the aforesaid Bipartite Settlement.

7. Sri M. S. Tomar, Staff Officer of the bank, M.W.I stated on oath that the service record of all the employees of different branches of Punjab National Bank working under the control of Regional Office Agra were maintained in his

office and he was acquainted with the case and service record of the concerned workman S. K. Jain. He stated that all types of leave of S. K. Jain had exhausted in September, 1992, which is clear from the leave record of the year 1992 relating to S. K. Jain, a true copy of which is ext. M-1 on record. He stated that vide letter dt. 24-9-1992 a true copy of which is Ext. M-2 on record, S. K. Jain was informed that his all leaves stand exhausted and he should join duties immediately. Yet S. K. Jain did not join his duties. He further stated that S. K. Jain was absent from duty from 12-10-1992 onwards without giving any application and without getting any leave sanctioned from the competent authority, hence in view of the provisions of Bipartite Settlement dt. 10-4-1989 notice dt. 28-5-1993 was sent to him by registered post a true copy of which was Ext., M-5 on the record. He further stated that in this notice it was clearly written to the workman that he was absent for more than 90 days without any leave or leave application, hence he should join duties within thirty days from the date of notice and if he fail to do so he will be deemed to have voluntarily retired from the service. These facts are mentioned in the notice dated 28-5-1993, Ext. M-5. He further stated that in compliance of that notice dated 28-5-1993 S. K. Jain joined his duties in the bank on 2-7-1993 but he again absented on 3-7-1993 and thereafter he worked for 4, 5 and 6 July, 1993 and thereafter he again became absent from duty without having any leave and without giving any leave application. He further stated that when he was absent from duty for more than 30 days w.e.f. 7-7-1993 second notice dated 13-8-1993 was sent to him in view of the provisions of the aforesaid BPS with a direction that the workman should join his duties within thirty days failing which it will be presumed that he has no intention to join the duties and has voluntarily left the employment of the bank. He stated that Ext. M-6 was a true photocopy of the notice which was sent to the workman by registered post. He further stated that when the workman did not join the duties within the time given in the notice then the bank had every reason to believe that the workman had no intention to join the duties and has taken voluntarily retirement from the service of the bank and thereafter bank passed the order dt. 12-10-1993 indicating that the workman had voluntarily sought the retirement from the services of the bank, hence his name was struck off from the roll of the bank. He stated that the order was sent to the workman under U.P.C. and a true copy of that order was ext. M-8 on the record. He stated that all the aforesaid notices and order were sent on the correct last known address of the workman and they were not received back in the bank. He has proved the photocopies of the relevant entries of the despatch register of the bank which is maintained in the ordinary course of business indicating that the notice dt. 28-5-1993 and notice dt. 13-8-1993 and the order dated 12-10-1993 were despatched to the workman on his last known address. He further stated that the workman through his union raised the dispute regarding cessation of his employment in the year 1997 after more than 6 years from the date of the action taken by the management in accordance with the provisions of BPS which indicated that the workman was not interested in the service of the bank and he had really sought voluntarily retirement from the service of the bank. The oral testimony of Sri M. S. Tomar on this point appears to be correct which is supported by the documentary evidence produced by the management in this case. I am therefore inclined to believe the case of the management that the aforesaid notices were sent on the correct and last known address of the workman by the bank which were not received back in the bank hence there was every reason to believe that those notices were received by the workman and in compliance of the first notice he joined his duties on 2-7-93 and he again became absent from duty without any justification w.e.f. 7-7-93 and did not join duties after service of the notice dated 13-8-93 Ext. M-6 hence the bank had every reason to believe that the workman had voluntarily abandoned the services of the bank and had taken voluntarily retirement from the service of the bank in terms of the provisions of paragraph 17 of the Bipartite Settlement dated 10-4-89 which were binding on him.

8. It has been contended by the workman bank that notice dt. 28-5-93 Ext. M-5 and notice dated 13-8-93 (Ext. M-6) and the order dated 12-10-93 (Ext. M-8) were never received by him because they were not sent on the correct address of the workman. He further made the same contention at page 7 of his written arguments also. But the contention of the concerned workman on this point appears to be false and

baseless. Admittedly S. K. Jain the concerned workman had filed a writ petition No. 3596 of 99 before hon'ble High Court of Allahabad, the copy of which has been filed by the management before me. In paragraph (4) of the writ petition he admitted that Regional Manager of Punjab National Bank had issued a notice dated 28-5-93 against him for voluntarily cessation of his employment and a true copy of which was annexure (4) to the writ petition. He further stated in paragraph (5) of the writ petition that after receiving the said notice the workman joined his duties on 2-7-93. From the perusal of notice dt. 28-5-93 Ext. M-5 it is clear that it was sent on the following address:—

Sri Sanjay Kumar Jain,
105, Vijay Nagar Colony,
Agra.

The same address is mentioned in the copy of notice dt. 28-5-93 which was filed by the workman before the hon'ble High Court as annexure of the writ petition. When Sanjay Kumar Jain admitted in the writ petition that this notice was received by him this is sufficient to indicate that this notice was sent on his correct address. The same address is mentioned in the notice dated 13-8-93 and the order dated 12-10-93 also. The statement of the workman that the aforesaid notices and the order dt. 12-10-1994 were not received by him appears to be false and baseless in view of Rts. admission made in paragraph (4) and (5) respectively of his writ petition.

9. The management has filed the copy of the leave application of the workman sent in September 1992 which is paper No. 5 of the list of documents of the management. Alongwith this application medical certificate dated 20-9-1993 was enclosed. The aforesaid medical application and the medical certificates have been admitted by the workman in his own handwriting. In this application the workman has given his address as 105 Vijay Nagar, Agra and the same address has been mentioned in the medical certificate which he had sent to the bank with his leave application. Thus it is established beyond doubt from his own admission made in his application that his correct address was S. K. Jain, 105, Vijay Nagar, Agra. In these circumstances I have no option but to reject the contention of the workman that the notices Ext. M-5, M-6 and order dt. 12-10-93 Ext. M-8 were not sent on his correct address and were not received by him. I am rather inclined to believe the contention of the management that the aforesaid notices and orders were sent on his correct address and were received by him. The admission made by the workman in para (4) and (5) of his writ petition regarding receipt of the notice dated 28-5-93 go to show that the workman has no respect for the truth and he can tell lie to any extent to get undue advantage from a court of law.

10. From the perusal of the documents on the record it is established beyond doubt that S. K. Jain remained absent from duty w.e.f. 12-10-92 till he appeared to join the duties on 2-7-93 in compliance of the notice dated 28-5-93 sent by the bank to him which was admittedly received by him. When he joined duties he did not submit any explanation for his absence from duty w.e.f. 12-10-92. Although according to the terms of the notice he was required to explain reasons for his absence from duty but there is nothing on record to show that he submitted any explanation when he joined duties on 2-7-93 in compliance of notice dated 28th May, 1993. The record shows that the workman Sanjay Kumar Jain had given different reasons for his absence from duty from 12-10-92 to 1-7-93 true photocopies of his applications dated 14-10-92 and 24-10-92 have been filed by the management as paper Nos. 8 and 9 of the list of documents filed by the management. These applications have been admitted by the workman in his own handwriting. In the application dated 14-10-92 he stated that he was unable to join his duties from 13-10-92 to 23-10-92 due to delivery and operation of his wife. He gave same reasons in his second application dated 24-10-92 for not joining the duties till 30-11-92. There is nothing on record to show that after 30-11-92 the workman submitted any application for granting him leave. But in his application moved before A.C.C. in the year 1997, a true copy of which is annexure (6) of his aforesaid writ petition, S. K. Jain stated that he could not join duties in the bank w.e.f. 12-10-1992 because he was suffering from jaundice since 11-10-92. In paragraph 4 of his aforesaid writ petition the workman stated that he was not permitted to make his signatures on the attendance register since 12-10-92 by Sri G. C. Sharma the then Regional

Manager although he made a complaint to this to the senior officers. Thus in the writ petition he pleaded that he could not attend his duties w.e.f. 12-10-92 because he was not permitted to sign the attendance register. The aforesaid contradictions in the statement of the workman regarding case of his absence from duty w.e.f. 12-10-92 to 1-7-93 go to show that the workman remained absent from duty without any valid reason and he has concocted a false and different stories regarding case of his absence from duty before different authorities to cover up his absence for the reasons best known to him. Probably this was the reason that he did not submit any explanation for his absence from duty in compliance of notice dated 28-5-93 when he joined his duties on 2-7-93. The aforesaid conduct of the workman in support to the contention of the representative for the management that the workman was gainfully employed or engaged some where else and that is why he was not joining duties in the bank and he has concocted a false stories about his absence from duties at different stages before different authorities with a view to get the job of the bank after suffering set back in the employment or engagement where he was gainfully employed during the course of absence from duty of the bank.

11. The contention of the workman is that when he joined duty on 2-7-93 he became absent from duty after 7-7-93 because he was not allowed to sign the attendance register by his superiors and he suffered from heart in support of his contention he has filed copies of his letter dated 3-7-93 which is ext. W-5 on the record. This letter does not support the contention of the workman that he became absent from duty w.e.f. 7-7-93 due to heart attitude of the management which had not allowed him to sign the attendance register, on 7-7-93 onwards. This document is of no help to the workman. The workman in his cross examination could not tell the name of the doctor who was treating him when he had got heart problem. He stated that no tests were carried on his body for testing out that he was suffering from heart problem. He stated that doctor after seeing his face told him that he was suffering from heart problem. The aforesaid statement of the workman appears to be false and baseless. Had he been under treatment of any doctor due to heart problem he must have told the name of the doctor who had treated him at the time of his heart problem. The heart disease could not be detected unless some known test like ECG, TMT Stress Test are carried on the body of patient and his blood pressure is checked by an instrument of Blood Pressure. This shows that S. K. Jain was not suffering from any heart problem at all and he did not join his duties w.e.f. 7-7-93 till the order dated 12-10-93 Ext. M-8 was passed against him for the reasons best known to him which could be his gainful employment or engagement some where else. There is material on record to show that after the order dated 12-10-93 was passed the workman immediately thereafter came to know about it yet he did not file any appeal or made any representation to the higher authorities of the bank and did not make any written representation to his union of which he was member. The industrial dispute was raised on his behalf by union before ALC(C) for his first time in 1957. This conduct of the workman also shows that he had little interest in the service of the bank hence he did not bother to join his duties from 12-10-92 to 1-7-93 and from 7-7-93 onwards till he raised the dispute in the year 1997. The reasons for absence from duty were well known to the workman but he did not give any satisfactory explanation either before the bank or before this Tribunal for his absence from duty during the aforesaid period. In these circumstances the action taken by the bank against the workman in view of the provisions of paragraph 17 of the Bipartite Settlement dated 10-4-89 appears to be wholly justified specially when the notices ext. M-5 and M-6 and the order Ext. M-8 were sent to him at his correct address and were received by him. When he received the first notice dated 28-5-93 there is no reason as to why he would not have received the notice dated 13-8-93 and order dated 12-10-93 which were also sent on the same address of the workman on which the first notice ext. M-5 dated 28-5-93 was sent which was received by him.

12. The workman has contended that no chargesheet was given to him for absence from duty and no enquiry was held against him for that misconduct, hence the action of the management bank for treating him to have voluntarily retired from service must be taken to be retrenchment which has been done without making compliance of the provisions of

sec. 25F of Industrial Disputes Act, 1947; hence the decision of the bank regarding cessation of his employment should be held to be illegal and he should be reinstated in the service of the bank. Similar question was also raised before the Honourable Supreme Court in J12000(5)SC 243 Syndicate Bank versus The General Secretary Syndicate Bank Staff Association and another and it was held by the Hon'ble Supreme Court that the action taken under clause 16 of the BPS after service of notices according to provisions of BPS was sufficient compliance of the principle of natural justice by the management and the action taken under aforesaid clause was wholly justified and lawful. Provisions of para 17 of BPS dated 10-4-89 appears to be similar to the provisions of clause 16 of BPS mentioned in the aforesaid judgment of the Hon'ble Supreme Court. I, therefore, hold that the action taken by the management against the workman in accordance with the paragraph 17 of the Bipartite Settlement dated 10-4-89 cannot be held to be illegal merely because no chargesheet was issued to him and no disciplinary action was taken against the workman because there was no occasion for holding domestic enquiry against the workman when the workman did not submit any explanation for his absence from duty before the authorities of the bank in compliance of the notices served on him as required under paragraph 17 of the aforesaid BPS dated 10-4-89. I, therefore reject the aforesaid contention of the workman.

13. On behalf of the workman several judgments of the different High Courts and Hon'ble Supreme Court have been filed which do not appear relevant for deciding this case. These judgment turn up on their own facts which were not applicable to the facts of the present case. I, therefore, do not consider it necessary to mention them in this award.

14. The management has filed extracts of the leave record of the workman Ext. M-1 which has been duly provided by MW-1. This leave record shows that all types of leave of the workman had exhausted in the year 1992 and no leave was due to him thereafter. After considering the oral and documentary evidence on record adduced by the management, I come to the conclusion that the management has prove that when the concerned workman was absent from duty without any leave and leave application or without being any leave due to him for more than 90 days notice dated 28-5-93 Ext. M-5 was served on him in accordance with the provisions of paragraph 17(C) of the BPS dated 10-4-89 and in compliance of that notice the workman joined his duties on 2-7-93 without submitting any explanation for his absence from his duty from 12-10-92 to 1-7-93 and he again became absent from duty from 7-7-93 without any justification and without giving any application for leave although leave was not due to him. It is also established by the evidence to the management that the second notice dated 13-8-93 Ext. M-6 as required under paragraph 17(C) of BPS dated 10-4-89 was sent to the workman by registered post when he was absent from duty for more than 30 days after joining the duties in compliance of the first notice. It is also established that when the workman did not report for duty and did not submit any explanation for his absence from duty within time the bank in terms of the notice served on the workman had every reason to believe that he had taken voluntarily retirement from the services of the Bank. Consequently, the bank had no option but to pass order dated 12-10-93.

15. In view of findings recorded above, I do not find any illegality in the action taken by the management against the concerned workman. I therefore, hold that the action of the management Punjab National Bank in trusting the workman to have voluntarily retired from service in accordance with the provisions of paragraph 17 of Bipartite Settlement dated 10-4-89 and consequent order dated 12-10-93 passed by the bank are legal and justified. I, therefore, hold that the workman is not entitled to get any relief in pursuance of the deference made to this Tribunal.

16. Reference is answered accordingly.

Dated 30-10-2000

R. P. PANDEY, Presiding Officer

नई दिल्ली, 14 नवम्बर, 2000

का.अ. 2650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-11-2000 को प्राप्त हुआ था।

[सं.एल-12012/86/93-आईआर(बी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th November, 2000

S.O. 2650.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 13-11-2000.

[No. L-12012/86/93-IR(B-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Friday, the 3rd November, 2000

PRESENT :

K. Karthikeyan, Presiding Officer.
Industrial Dispute No. 36/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) and Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of Union Bank of India, Chennai).

BETWEEN

The General Secretary, —Workman| I Party
Union Bank of India,
Chennai.

AND

The Deputy Manager,
Union Bank of India,
Broadway,
Chennai. —Management|II Party

APPEARANCE :

For the Claimant : Sri M. Muthupandian and
L. H. Lawrence, Advocates.

For the Management : M/s. T. S. Copalan and
Co., Advocates.

Reference : Order No. L-12012/86/93-JR(B-II)
dt. 28-02-2000, Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 20-10-2000, upon perusing the reference, claim Statement, Counter Statement and other material papers on record, the documentary evidence filed on either side and upon hearing the arguments of Sri M. Muthupandian appearing for the Claimant and Sri T. S. Gopalan, Advocate appearing for the management and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

AWARD

This reference by the Central Government in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Sri. S. Radhakrishna Pillai, Workman and the Deputy Manager, Union Bank of India, Chennai Management mentioned as schedule appended to the order of reference.

The Schedule reads as follows :

“Whether the action of the management of Union Bank of India to withdraw the stagnation increment given to Sri S. Radhakrishna Pillai is justified? If not, what relief is the disputant Workman is entitled to ?

On receipt of this reference, this Industrial Dispute has been taken on file of this Tribunal on 4-8-2000 as Industrial Dispute No. 36 of 2000. On receipt of the notice of this Tribunal, both the parties to this dispute appeared, and filed their respective Claim Statement and Counter Statement.

1. The averments in the Claim Statement of the Claimant|I Party are briefly as follows :—The Claimant, Union Bank of India Employees Union commands substantial following among the Workmen employed by the Union Bank of India. Shri S. Radhakrishnan, then Special Assistant of the Sembudoss Street Branch of the Management Bank was selected for promotion from a Clerical cadre to Officer cadre through a promotion process. The Management Bank, called for application for promotion, through a circular dated 16-4-83, on the basis of a promotion policy evolved on 14-3-83 and conducted a test also. At that time of calling for applications, the workmen were informed that, those who do not opt to write that test, will not be considered for future promotion, and that a list will be prepared pursuant to the test and interview. It was further informed that those who do not opt to write that test, will be put to loss, in the matter of promotion to the post of Officers. Even though around 3000 employees were selected and empanelled for promotion to Officer cadre, all of them were not promoted to the Officer post. Promotion were given in phased manner. One of the conditions of promotion policy was that, the employee who was selected through the promotion process and subsequently declined the offer of promotion, will be deferred promotion for a period of two years. The Workman, Shri A. Radhakrishnan Pillai, Special Assistant, selected for the promotion based on the test, was promoted by any order dt. 21-7-86. Since, he has not accepted the offer, his name was deleted from the promotion panel, vide letter dt. 29-10-86, informing him that he would not be eligible to appear for the promotion test for a period of two years. The workman, Shri A. Radhakrishnan Pillai was given stagnation increment from Sept. 1990,

of a sudden, the Bank Management passed an order dt. 17-9-92 quoting the 4th Bipartite Settlement, stating that since the workman decided to accept the promotion after the announcement of the settlement dt. 8-9-83, he would not be given stagnation increment. The stagnation increment of Rs. 120 paid from Sept. 1990 was sought to be recovered from him. Against the action of the Management, the Claimant Union raised an Industrial Dispute on 16-11-92. As the conciliation ended in a failure, the Officer has sent a Failure of Conciliation Report to the Ministry of Labour, Government of India. Since the Government refused to refer the dispute, the Union filed writ petition before the High Court. The High Court was pleased to pass an order dt. 25-6-99 allowing the Writ Petition No. 17007 of 1993 and directed the Government of India to refer the matter for adjudication, and thereafter, this reference has been made by the Ministry of adjudication. The action of the Management Bank is arbitrary and unjust. The action of the Management Bank straightaway ordering for recovery without notice and without giving opportunity was against the principles of natural justice. The order dt. 21-7-86, promoting Shri Radhakrishnan Pillai as Officer did not contain any clause as to non-eligibility or denial of stagnation increment. Had the Management put on notice that the concerned Workman would not be entitled for stagnation increment if he declined promotion, the concerned Workman would not have declined the offer of promotion. The Management Bank is estopped from withdrawing and recovering the stagnation increment since there was no notice in the order dt. 21-7-86 either as to non-eligibility or denial of stagnation increment. The Bank management is bound by the order dt. 21-7-86. When there was no clause as to denial of stagnation increment in the order dt. 21-7-86, the Bank management cannot deny stagnation increment and withdrawal of the same, was an after thought. The promotion policy was evolved by an agreement dt. 1-1-1983. Based on that policy, test was conducted and the list was prepared which was valid till all the candidates were promoted. The applications were called on 16-4-83 and test was conducted on 14-8-83 even before the 4th Bipartite Settlement on 8-9-83 made known to the employees by staff circular no. 2616 dt. 27-9-1983. The Settlement entered on 8-9-83 curtailing the increment will not apply to the employees who appeared in the test and selected for promotion before 8-9-83. The order of promotion dt. 21-7-86 as well as order dt. 29-10-86 did not state that the workman would not be entitled to stagnation increment if he decline to accept the promotion. In both those orders, it is stated that the Workman will not be eligible to appear in the promotion test for a period of two years from the date of refusal. Therefore, the Bank management cannot go beyond that order. Those orders issued subsequent to the Bipartite Settlement dt. 8-9-83 were independent of the settlement. Stagnation increment given to the Workman concerned is form part of the wages. Therefore, before reducing his wages by withdrawing stagnation increment the respondent ought to have given notice as contemplated under Section 9(A) of Industrial Disputes Act. But, no such notice was given before the withdrawal/recovery of

stagnation increment. The Workman cannot be deprived of stagnation increment for no fault of him. The Bank management cannot take advantage of their own mistake to deprive stagnation increment given to the Workman concerned. Hence, the claim of the workman and the Union is fully justified. Therefore, this Tribunal may please to hold that the action of the Bank management to recover the stagnation increment paid from September 1990 to the Workman and withdrawing the increment thereafter is illegal and unjustified and direct the management not to recover the stagnation increment and continue to pay the stagnation increment.

2. The averments in the Counter Statement of the Management/11 Party are briefly as follows:—This dispute can obviously only be a collective Industrial Dispute. The Claimant Union is put to strict proof of its representative character as well as its authority and competent to espouse the cause of Radhakrishnan Pillai and raise the dispute. There is no valid industrial dispute. As such the order or reference is bad in law. The service conditions of the Management Bank which is a nationalised bank are governed by awards and Bipartite Settlements made from time to time. There is only one scale of pay for the Clerical Staff. The 4th Bipartite Settlement dt. 8-9-83 provided for stagnation increment to clerical and subordinate staff who have reached the maximum of the time scale. As far as the clerical staff are concerned, the stagnation increment was to be granted once in three years and there was a ceiling on number of stagnation increments. As per the settlement if any Workman refused to accept his promotion, he will be disentitled to get stagnation increment. In the 6th Bipartite Settlement dt. 14-2-95, the provision relating to disentitlement of stagnation increment to those clerical and subordinate staff who had declined promotion was done away with. The Workman reached the maximum of time scale pay in the year 1990. As he had declined the promotion, he was not entitled to grant of stagnation increment. By oversight, the concerned Workman was granted stagnation increment. When the mistake came to the knowledge of Management Bank by an order 17-9-92, further payment of stagnation increment was stopped and the excess payment of stagnation increment was sought to be recovered. It was at that stage, the present dispute was raised. The concerned Workman is entitled to stagnation increment from 1-11-1994 as per the 6th Bipartite Settlement dt. 14-2-1995. He cannot have claim for stagnation increment of the period from Sept 1990 unto 31-10-1994. The management bank has no objection to pay the stagnation increment to the concerned Workman from 1-11-94. As the payment of stagnation increment from Sept. 1990 was a mistake. The respondent was justified in treating it as overpayment and recovering it. There is no need to give any notice because the action was taken pursuant to the Bipartite Settlement. The concerned Workman was bound by the 1983 Bipartite Settlement. The question of estoppel does not arise. The right to stagnation increment itself would arise to the Workman only after the Bipartite Settlement dt. 8-9-83. Therefore, there was no question of the concerned Workman being entitled to stagnation increment when he reached the maximum of time scale of pay prior to September 1990. It is only by virtue of the since he has reached the maximum scale of pay. All

settlement dt. 8-9-83, the Workman became eligible for stagnation increment and he forfeited that right, when once he declined the promotion. Hence, this Tribunal may be pleased to make an award rejected the claim of the Claimant Union.

3. When the matter was taken up for enquiry. Counsel appearing on either side represented that they have no oral evidence and they have no objection for marking the documents, 8 in number on the side of the Workman as Ex. W1 to W8 and the documents, 5 in number on the side of the Management as Ex. M1 to M5. Accordingly, those documents were marked by consent of both the parties. The learned counsel on either side advanced their arguments.

4. The Points for my consideration is :—

“Whether the action of the management of Union Bank of India to withdraw the stagnation increment given to Shri Radhakrishnan Pillai is justified? If not, what relief is the disputant Workman is entitled to?”

Point : It is an admitted case that the Workman Shri S. Radhakrishnan Pillai was working as a Special Assistant in Semoudoss Street Branch of the Second Party Management Bank. It is also admitted that the said Workman as one among the candidates selected for promotion, pursuant to the test and interview, was offered promotion, by an order dt. 21-7-1986, which is Ex. W4. It is also admitted that the said Workman has declined to accept the offer and his name was deleted from the promotion panel and the same was intimated to the Workman by the Bank Management under the letter dt. 29-10-86, the original of Ex. W7. In that letter itself, he was informed that he will not be eligible to appear in the promotion test for the period of two years i.e. till 20-8-88. It is also admitted that there was a revised promotion agreement for award staff as promotion policy from 1-1-1983 and the staff circular dt. 14-3-1983 was circulated under original of Ex. W1. It is also admitted that there was a Bipartite Settlement dt. 8-9-83 and the copy of the same is Ex. W2. The learned counsel for the Claimant Union has stated that the Workman, Shri S. Radhakrishnan Pillai wrote the test for promotion in 1983 examination conducted for the Officer's cadre and he was selected and the panel was prepared in the year 1984. He has further submitted, that the said Workman was given promotion in 1986 and an order to that effect was given by the Management Bank to the concerned Workman under the original of Ex. W4. The said Workman has declined that offer and intimated the same to the Management under his letter dt. 21-8-1986 under the original of Ex. W6. The Management Bank in pursuant to the offer declined by the Workman, Shri S. Radhakrishnan Pillai under the original of Ex. W6, has sent a letter to him dt. 29-10-86, informing him that his name has been deleted from the promotion list, under the original of Ex. W7. In that letter itself, the Management Bank has informed the Workman that he will not be eligible to appear in the promotion test for a period of two years. He has further argued that the said Workman had reached the maximum time scale of pay in the cadre of Special Assistant in 1987 and he was eligible to draw stagnation increment after a period of three years i.e. in 1990. All these things are admitted. It is also admitted that the said Workman, Shri S.

Radhakrishnan Pillai was given stagnation increment of Rs. 120 from Sept. 1990 and the Bank Management has taken steps to recover the stagnation increment paid to the Workman, Shri Radhakrishnan Pillai, stating that it had been erroneously granted. The letter dt. 17-9-92 by the Zonal Office, Madras to that effect, was sent to the Branch Manager, Pondicherry under the original of Ex. W8. This action of the Management Bank is being challenged by the Claimant Union in this Industrial Dispute.

5. The Claimant has mentioned in the Claim Statement under ground (xii) that the respondent cannot take advantage of their own mistake, to deprive stagnation increment to the Workman concerned. The Management Bank in their Counter, Para 4 has stated that as the Workman had declined the promotion, he was not entitled to the grant of stagnation increment and that by oversight, the concerned Workman was granted stagnation increment from Sept. 1990, and that when the mistake came to the knowledge of the respondent, by an order dt. 17-9-92 further payment of stagnation increment was stopped and the excess payment of stagnation payment was sought to be recovered. In Ex. W8 itself stated that the stagnation increments of Rs. 120 w.e.f. Sept. 1990 granted to Shri Radhakrishnan Pillai had been done erroneously and that as per the provisions of Bipartite Settlement, an employee who refused to accept promotion, after the commencement of the 8th Sept. 1983 settlement, would not be given the stagnation increment. From this it is seen that the granting of stagnation increment of Rs. 120 to the Workman, Radhakrishnan, Pillai w.e.f. Sept. 1990 is an erroneous action by the Management Bank and it is contrary to the terms of the Bipartite Settlement dated 8-9-1983.

6. The learned counsel for the Management Bank has argued that granting of stagnation increment was introduced only under the Bipartite Settlement dt. 8-9-1983 and the said grant of stagnation increment was subject to the conditions mentioned therein in the Bipartite Settlement. He would further argue that one of the condition for this stagnation increment as mentioned in the Bipartite Settlement marked as Ex. W2 is that the stagnation increments would not be given to an employee who at any time after the commencement of settlement after being offered and/or selected for promotion refused to accept such promotion and that the entitlement for the stagnation increment of the employees arose only after 8-9-83, the date on which the 4th Bipartite Settlement came into force. He has further argued that the Workman, Shri S. Radhakrishnan Pillai is not entitled to the stagnation increment in view of his refusal to accept the promotion offered by the Management Bank as per the terms of the Bipartite Settlement dated 8-9-83. This argument by the learned counsel for the Management Bank is acceptable on the basis of conditions mentioned in the Bipartite Settlement under Ex. W2.

7. The learned counsel for the Claimant Union has put forth an argument, as it is mentioned in the Claim Statement of the First Party Union that, the action of the Management Bank by straightaway ordering for recovery without notice and without opportunity was against the principle of natural justice and that

in the order dt. 21-7-86, promoting the Workman, Sri Radhakrishnan Pillai as Officer, no clause as to non-eligibility or denial of stagnation increment is available and that the promotion policy of the Management came into force on 14-3-83 under Ex. W1 itself, much earlier to the Bipartite Settlement dated 8-9-83 under Ex. W2 and that the Workman, Radhakrishnan Pillai wrote the test for the Officer's cadre in 1983 and was selected and his name was included in the panel prepared in 1984. He was given promotion only in 1986 for want of vacancy. He would further contend that, even before the 8-9-83 Bipartite Settlement, the Workman, Radhakrishnan Pillai wrote the test conducted on 14-8-1983 on the basis of the promotion policy evolved by an agreement dt. 1-1-83 and since the process of selection and already been started based on 1-1-83 promotion policy, the Bipartite Settlement dt. 8-9-83 curtailing the increment will not apply to the employees who appeared in the test for promotion post prior to 8-9-83. Further, the order of promotion dt. 21-7-86 under Ex. W4 and the order dated 29-10-86 deleting the name of the Workman, Radhakrishnan Pillai from the promotion panel under Ex. W1, nothing has been stated that the Workman would not be entitled to stagnation increment if he declined to accept the promotion. Therefore, the Management Bank cannot go beyond that order as those orders were independent of the Bipartite Settlement dated 8-9-83. He would further argue that stagnation increment is form part of the wages of the Workman and by withdrawing the stagnation increment amounting to reducing of the wages cannot be done without given notice as contemplated under Section 9-A of the Industrial Disputes Act. As no such notice was given before the withdrawal/recovery of stagnation increment, the action of the management in this regard is illegal. For this, the learned counsel for the management replied that merely because the notice has not been given to the Workman, Radhakrishnan Pillai, prior to the order 17-9-92 under Ex. W8, the Workman cannot have a right as a conferred one which he is not entitled in terms of Bipartite Settlement dt. 8-9-83 under Ex. W2. The Workman gets an entitlement for stagnation increment only after 8-9-83 Bipartite Settlement. It is admitted that the Workman, Radhakrishnan Pillai, Special Assistant, a Clerical staff was offered promotion to the post of an Officer in the year 1986 and he declined that promotion. It is also admitted that he reached the maximum of time scale of pay in the year 1990, that was why he was given stagnation increment from September, 1990. It is admittedly a mistake committed by the Management. As argued by the learned counsel for the Management Bank, but for the Bipartite Settlement dated 8-9-83 under Ex. W2 the workman, Radhakrishnan Pillai was not entitled to stagnation increment. As per the condition of that Bipartite Settlement, the Workman who had declined the promotion is not entitled for the stagnation increment. So, under such circumstances, it is seen that the argument advanced by the learned counsel for the Claimant Union about the entitlement of the Workman for the stagnation increment cannot be accepted as correct. On the basis of the available records and the argument advanced by the Management Bank, it is seen that the action taken by the Management Bank by granting stagnation increment to the Workman, Radhakrishnan Pillai from September, 1990 is a mistake and on realising that mistake, the Management

Bank passed an order dated 17-9-92 under Ex. W8, to stop further payment of stagnation increment to the Workman concerned and to recover the stagnation increment paid to him September, 1990 onwards is correct and justifiable.

8. On the basis of the above findings, I come to the conclusion that the action of the Management of Union Bank of India to withdraw the stagnation increment w.e.f. September, 1990 given to Sri S. Radhakrishnan Pillai is justified. Hence, the Workman concerned, the disputant herein is not entitled to any relief. Thus, I answer the point accordingly.

In the result, the reference is answered holding that the Claimant is not entitled to any relief whatsoever against the Management Bank under this Industrial Dispute. Thus, I pass as a no relief award without cost.

Dictated to the Stenographer and typed by him direct and corrected and pronounced by me in the open court on this day, the 3rd November, 2000.

K. KARTHIKEYAN, Presiding Officer

WITNESS EXAMINED :

For Claimant/I Party : None.

For Management/II Party : None.

DOCUMENTS MARKED :

For Claimant/I Party :

- Ex. W1 14-3-83—Staff Circular No. 2547, Revised promotion agreement for award staff.
- Ex. W2 27-9-83—Staff Circular No. 2616—Bipartite Settlement dated 8-9-83.
- Ex. W3 18-2-84—Staff circular-promotion from clerical cadre to officer.
- Ex. W4 21-7-86—Promotion order given to the concerned Workman.
- Ex. W5 1-8-86—Pay fixation in the Officer cadre.
- Ex. W6 21-8-86—Letter of the concerned Workman declining the offer of promotion.
- Ex. W7 29-10-86—Order deleting the name of the Workman from the promotion panel.
- Ex. W8 17-9-92—Letter of the management to recover the stagnation increment from the concerned Workman.

For the Management/II Party :

- Ex. M1 10-4-89—V Bipartite Settlement.
- Ex. M2 14-2-85—VI Bipartite Settlement.
- Ex. M3 18-4-2000—VII Bipartite Settlement.
- Ex. M4 30-12-95—Sanction of annual increment to concerned Workman in September, 1995.
- Ex. M5 21-9-96—Sanction of annual increment to concerned Workman in September, 1996.

नई दिल्ली, 16 नवम्बर, 2000

का.अ. 2651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अर्कैलोजिकल सर्वे आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्री न्यायलय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 प्राप्त हुआ था।

[सं. एल-42012/108/93-(डी यू)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/108/93-(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 31/94

In the matter of dispute between:

Shri Rohitas S/o Shri Dev Karan,
through the President,
Archaeological Survey of India Workers Union,
Purana, Quila, New Delhi.

Versus

Director General,
Office of Director,
Archaeological Survey of India,
Janpath, New Delhi-110001.

APPEARANCES:

Shri Mahesh Chander Gautam for the workman.
Shri Satveer Singh for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/108/93-I.R.(D.U.) dated 28-3-94 has sent this reference under section 10(1)(d) and 2A of the I.D. Act (hereinafter referred to as Act) for the adjudication of the Industrial Dispute on the following terms:

"Whether the action of Sri Conservation Asstt. of Archaeological Survey of India in terminating the services of Shri Rohitas S/o Shri Devkaran w.e.f. 1-10-92 is justified? If not, what relief the concerned workman is entitled to?"

2. The workman's case is espoused by Archaeological Survey of India Workers Union and the statement of claim has been filed by its President.

3. Workman's case in short is that he was employed in the Management namely Archaeological Survey of India on daily wage basis as Stone Cutter in the year 1986. His services were dispensed with by the Management w.e.f. 1-10-92. The action of the Management dispensing his services was totally illegal and wrong. The workman had completed 240 days of his working within 12 calendar months in 1990-91

and 92 and his services were wrongly dispensed with by the management in a discriminatory manner because the other employees namely S/Shri Ram Sarup, Ram Bharose, Murari and Om Parkash as a stone cutter were retained in service. A part from it the termination of the workman is violative of the provisions of section 25-F since neither the retrenchment compensation was given to the workman nor any notice or notice pay was given. Workman has also stated that due to his wrongful reemployment from service the management has contested the case of the workman and has filed written statement. At first stage preliminary point regarding non-maintainability of workman's claim has been taken and it is asserted thereby that the Union of India is necessary party and since it has not been joined as party in the case statement of the claim filed by the workman is bad for misjoinder/non-joinder of necessary party. Secondly that the Archaeological Survey of India was not an 'Industry' within the meaning of section 2(j) of the Act and therefore the reference is bad and this Tribunal has no jurisdiction to adjudicate the dispute.

4. On merits the management has not denied the workman's averment of his employment under the Management since 1986 but it is stated by the Management in this respect that the workman was then engaged as Casual Labour in the capacity of Baledar in Kashmiri Gate sub circle subsequently he was engaged as stone cutter in Red Fort sub circle w.e.f. 1-9-88 where he had worked till the date of cessation of his service. The Management has given the details of the working days of the workman in a particular years from 1986 to 1992 in para 1 of the written statement. However, it is stated by the management that the workman used to remain absent from duty for a number of days and as such he had failed to complete 240 days of his working in two consequent years. It is also stated by the management that had the workman worked regularly he could have completed 240 days of working during the year 1991 and should also have become eligible for higher rate of payment such as Rs. 7,50 + D.A. The Management has also taken the plea of the self abandonment of the service by the workman and denying that his services were actually terminated.

5. The Management has again stated that the workman was engaged against job of casual nature as stone cutter and he used to be engaged for the particular job as and when necessity had arisen and he was paid at the prescribed rate as per rule for the days he used to work. It is again stated by the management that since there was no sanctioned post of stone cutter and the work performed by the workman as stone cutter was not of a permanent nature his services could not be regularised.

6. Against the workman's averment about the retention of the services of S/Shri Ram Sarup, Ram Bharose, Murari and Om Parkash the Management has only given the details of the working days in a particular year of these persons excepting Om Parkash in paragraph 2 of the written statement.

7. Regarding Shri Om Parkash it is stated by the management that he was not working under the jurisdiction of Delhi Circle. The specific averment of the Management against the workman termination is that the workman had not completed the requisite days for the grant of temporary status like others. Hence his services were not regularised.

8. In the rejoinder filed by the workman nothing new have been stated than in the statement of claim has been given.

9. The workman has filed his affidavit in evidence. He has also stated orally on oath. The affidavit of the workman has been marked as Ex. WW1/1. He has not been cross-examined by the management. On behalf of the Management record shows that one affidavit of Dharamvir Sharma Superintending Archaeologist, Archaeological Survey of India Delhi Circle dated 17-9-96 was filed but he has not appeared for his cross-examination.

10. Vide order dated 31-7-2000 ex parte proceedings against the management were directed to be taken. Management's application for setting aside the order dated 31-7-2000 has been rejected.

11. Arguments on behalf of the workman has only heard.

12. Both preliminary objections of the management in my view are not satisfactory. It is well recognised principle that a civil suit cannot be thrown out and dismissed solely on the ground of non-joinder or mis-joinder of parties. That apart the present case arises on the reference made by Central Government in the Ministry of Labour and this Tribunal has to answer their term of reference and not to dispose of the statement of claim filed by the workman. Thus I find the question of misjoinder and non-joinder of Union of India by the workman in the statement of claim is neither material nor relevant.

13. As regards the next objection of the management about the invalidity of the reference on the ground that the management was not an 'industry' after having considered the facts and circumstances of the case I find that this plea of the management is devoid of any merit. Management has not made any attempt either in written statement or by adducing evidence to show as to how the management was not an 'industry'. This plea I find has been taken by the management in a routine and stereo type manner. The mere allegation of the management that it was not an 'Industry' in my view is not in any manner sufficient to accept it.

14. Term 'Industry' has been defined in section 2(j) of the Act. A perusal of it shows that it contains words of wide import. According to the dictum of the Hon'ble Supreme Court of India given in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others 1978 S.C.C. 9 an undertaking would fall within the ambit of industry if it carries out systematic activity arranged by the cooperation between the employer and employee for the production and distribution of goods and services calculated to satisfy human wants and wishes. There is nothing on record to show by the management that the working conducted by it was not a systematic activity. In view of the fact and on my considered view I am of the view that the management is an 'Industry' within the meaning of section 2(j) of the Act. The plea taken by the Management in this respect is thus not accepted.

15. Now coming to the merit of the case at the very beginning I will like to find out that the Management's contention of the voluntary abandonment of service by the workman due to his absence on duty has got no force. The Management has failed to prove the circumstances showing the self abandonment of service by the workman if the management plea of the regular absence from the duty by the workman in support of the plea of self abandonment is taken into consideration I find that this fact alone is not a proof of self abandonment of service by the workman. There is nothing on the record to show that the management had ever taken any step of sending notice etc. to the workman finding him absent from duty. On the own allegation of the workman and the detail of the working days given by the management in written statement itself shows that the workman was given the employment even after a long absence. According to management the workman was always been employed in service as stone cutter on the exigencies of work. This circumstance in my view itself is an indication of the fact that there can not be self abandonment of the service by the workman. Now as regards the termination of the workman it is an undisputed fact that his services were dispensed with by the management w.e.f. 1-10-1992. Dispensation of the workman's service or cessation of his service in my view certainly amounts to termination.

16. Now the question arises whether the workman's termination from service is bad and illegal.

17. That law I find is specific that all the termination is a retrenchment unless it is inflicted by way of disciplinary action and it is covered by the provisions of section 2(oo) a.b.55(c) of the Act. In the present case there is nothing that workman's case is in any manner covered by any of the aforesaid circumstances for not holding his termination as retrenchment. I find and hold that the workman's termination is a retrenchment.

18. Section 25-F of the Act provides a condition precedent to the retrenchment of workman and according to it a workman who is in continuous service for not less than one year

can be retrenched only by giving one months notice in writing on expiry of the period of notice or payment of salary in lieu of notice is made to the workman. The retrenched employee according to the said provision further has to be given retrenchment compensation and a notice is served on the appropriate government.

19. Although the one year term continuous service as provided in section 25-F has not been defined there but section 25-B of the Act clearly defines the term one year service and according to it besides other even where workman has completed 240 days of his continuous service within 12 calendar month preceding the date for which calculation has to be made he will be deemed to be in continuous service.

20. In the present case its workman's specific allegations that he had completed 240 days of working. The management had given the details of the working days of the workman for the year from 1986 to 1992 and has stated that the workman not completed 240 days in two consecutive years due to his habit of remaining absent on a number of days.

21. The aforesaid allegation of the management since has not been stated on affidavit or on oath I find cannot be accepted. In the affidavit of Shri Dharamvir Sharma Superintending Archaeologist nothing in this regard has been stated. The workman's categorical assertion is that he has completed 240 days of his working. In his affidavit Ex. WW1/1 he has further stated that he had put in more than 240 days of service in the department for the year 1986-87, 87-88, 88-89, 89-90, 90-91 and 91-92. He has not been cross-examined by the Management. The affidavit of the workman thus goes uncontested in this regard and I do not find any reason to disbelieve the workman's assertion aforesaid. However, on a perusal of the working days of the workman given in para I of the written statement, I find that the management has shown the working days of the workman for the year 1990-91, 1992 as 256 days 225 days and 217 days respectively. No break in service of the workman during this period had been shown. This detail of the working days of the workman does not show that the Sundays and the Gazetted Holidays have not been included. This fact in my view clearly indicates that the workman had completed more than 240 working days and he is entitled for the benefit of Section 25-F of the Act. Undisputedly there is no compliance of the provisions of section 25-F of the Act by the Management at the time of the termination of the workman's service on his ground alone the Management's action for terminating workman's services w.e.f. 1-10-92 is neither legal nor justified. The termination of the workman thus is found improper and illegal.

22. Now coming to the workman's plea of discrimination his specific allegation is that the services of his counter part stone cutters namely S/Shri Ram Sarup, Ram Bharose Murari and Om Parkash were retained by the management but his services were illegally terminated and thus it is a discrimination shown to him. The Management has not denied this allegation of the workman. However, in paragraph 2 of the written statement the detail of the working days in a particular years of S/Shri Ram Sarup, Ram Bharose and Murari has been given and as regards Shri Om Parkash it is stated that he was working under the jurisdiction of Delhi Circle. For the workman it has only been stated there that he was not regular in his attendance and had failed to complete requisite days of working for being considered for grant of temporary status like others. It is no denial of the workman's allegation of discrimination.

23. In the affidavit of Shri Dharamvir Sharma Superintending Archaeologist filed in the case he has not mentioned any thing in this respect. Thus workman's contention of discrimination remains uncontested. In view of it also I find that the termination of the workman is not legal and proper.

24. The workman's plea of giving punishment to the Management under Section 25-Q of the Act, I find since not covered under terms of reference cannot be taken into consideration. This plea is not even incidental to the main reference and on this ground also this plea of workman cannot be taken into consideration.

25. In view of the discussions made above the termination of the workman w.e.f. 1-10-92 is found to be bad and illegal.

and the Management's action also is not found legal and justified. The termination of the workman is set aside and it is directed that he should be reinstated in service with all service benefits.

26. Term of reference is answered accordingly.

K. S. SRIVASTAV, Presiding Officer

Dated 25-10-2000.

नई दिल्ली, 16, नवम्बर 2000

का.अ. 2652—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-42012/57/98-डी. यू.]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2652.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/57/98-(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, JAIPUR

Case No. CGIT-B-45/93

Reference No. L-42012/57/98/IR(DU) Dated : 30-10-1998

Shri Suman Singh,
Plot No. 1046, Barkat Nagar,
Tonk Phatak, Jaipur-302 001

V/S

Director,
Doordarshan Kendra,
Near Jhalana Dungari,
Jaipur-302 001

ATTENDANCE

For the applicant.—Shri M. C. Jain

For the non-applicant.—Shri T. P. Sharma

Date of Award.—20-10-2000

AWARD

The Central Government has referred the following dispute under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (hereinafter referred as Act, 1947) for adjudication :

"Whether the action of the management of Doordarshan Kendra, Jaipur in not regularising the services of Shri Suman Singh, Floor Assistant on the ground of 3 days over age, and finally terminating his services w.e.f. 11-1-93 is legal and justified? If not to what relief the workman is entitled?"

The applicant filed the statement of claim stating that he was appointed in the establishment of the non-applicant as

Floor Assistant on 21-3-98 and he worked for the period as under :—

1987-88	10 days
1988-89	38 days
1989-90	89 days
1990-91	120 days
1991-92	80 days
1992-93	118 days
1993-94	70 days
1994-95	10 days

He submitted an application for regularising of his services before Central Administrative Tribunal Jaipur. In reply the non-applicant stated that his case will be considered under the Scheme. The application was disposed off by the above Tribunal with the direction to re-consider the application of the applicant and pass orders within a period of 3 months. The non-applicant has not passed any orders in spite of the above directions. At this he raised the dispute before the conciliation officer. The non-applicant in reply stated that the applicant was overage by 3 days under the Scheme dated 9-6-92. He was found eligible for relaxation of 3 years in maximum age under the amendment Scheme dt. 17-3-94. It was alleged that the applicant was entitled for relaxation of age on the basis of working days in the previous years. It was also alleged that the cut off date 9-6-92 has been wrongly fixed. In case of regularisation the age should be counted from the initial appointment. The applicant was 26 years of age at the time of appointment and therefore he was not overage. In other services the provision of age is applicable only in case of new-appointment and not in the case of regularisation. Tarachand Ghotwal who was elder to the applicant and was over age was regularised. It was also alleged that the services of applicant were terminated in violation of section 25 (F, G, H) of Act 1947 and the Rules 77 and 78. It was prayed that order of termination of services of the applicant dated 11-1-93 be set aside and the services of the applicant be regularised on the post of Floor Assistant with full back wages.

In the reply the non-applicant stated that casual artist of Doordarshan Kendra are governed by the regularisation Scheme dated 9-6-92 as well as modified Scheme dt. 17-3-94 framed at the direction of CAT. It was stated that the applicant was eligible for regularisation at serial no. 22. The eligible casual candidates are being given ten days casual assignments in a month on rotational basis depending on the requirement and ability of work. It was also stated that Regularisation Scheme was framed on the direction of CAT Principal Bench, which has been upheld by the APEX Court. It was stated that the applicant will be regularised as a Floor Assistant as per the seniority in the eligible list. It was denied that the condition of age limit is not applicable in case of regular appointment. It was denied that Tarachand Ghotwal was over age. It was stated that the case of the applicant does not fall under retrenchment, therefore, the provisions of the section 25(F) of the act 1947 are not applicable in case of the applicant.

On the basis of the pleadings parties the following points of disputes were framed :—

- (1) आया प्रार्थी अन्य वर्षों के कार्य दिवसों के आधार पर उम्र में छूट पाने का अधिकारी है ?
- (2) आया विपक्षी को प्रार्थी की प्रारम्भिक नियुक्ति की तिथि 18/10/2000 के दिन ही उम्र की गणना करनी चाहिये थी ?
- (3) आया उम्र का प्रावधान नई नियुक्तियों में ही लागू होता है, न कि नियमितीकरण में।
- (4) आया प्रार्थी के द्वारा तारचन्द गोठवाल जो कि प्रार्थी से अधिक उम्र का होता हुए एवं ओवरएज होते हुए भी उसे नियमित कर दिया गया।

- (5) आया विपक्षीय के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25-एफ-जी एवं औद्योगिक विवाद (केन्द्रीय) नियम 1957 के नियम 77 का उल्लंघन किया गया है?
- (6) आया दिनांक 9-6-92 की रेगुलार्जेशन स्कीम केन्द्रीय प्रशासनिक अधिकरण की मुख्य पीठ दिल्ली के निर्णय की पालना में तैयार की गई है, जिसे प्रार्थी को चुनौती देने का कोई अधिकार नहीं है?
- (7) आया प्रार्थी को कैंज्यूअल आर्टिस्ट के रूप में सीमित समय के लिये रोटेशनल बेसिस पर अप्रार्थी संस्थान में वास्तविक कार्य की आवश्यकता के अनुसार रखा गया था, यदि हां तो इसका प्रभाव?
- (8) श्रमिक किस सहायता को प्राप्त करने का अधिकारी है?

The applicant filed his own affidavit in support of his case. The counsel for the non-applicant was given opportunity to cross-examine him on his affidavit. On behalf of the non-applicant the affidavit of Laxmichand Sharma, Director, Doordarshan Kendra, was filed. The Counsel of the applicant was given opportunity to cross-examine him. Copies of certain documents were also filed on behalf of the parties, which will be referred at the appropriate stage.

Heard arguments of the learned counsels for both the parties, and per-used the record. The points are decided as follows:—

POINT NO. 7.—Laxmichand Sharma has stated that the applicant was engaged as casual artist for the limited days in a month on rotational basis as per the actual job requirement. It was denied that the applicant worked continuously. In the statement of claim the applicant himself has given the period of working days which show that the applicant didn't work for more than 10 days in a month. It is, therefore, proved that the applicant was engaged as casual artist on rotational basis.

POINT NO. 6.—Laxmichand Sharma, Director, Doordarshan Kendra has stated that Regularisation Scheme dated 9-6-92 and modified Scheme dated 17-3-94 were framed at the direction of the CAT Principal Bench which have been upheld by the APEX Court. In the Scheme dated 9-6-92 it has been mentioned that the same has been prepared in pursuance of the direction of the CAT Principal Bench. It has not been disputed that the above Scheme has been prepared under the directions of the CAT Principal Bench.

POINT NO. 1, 2, 3 :—The learned Counsel for the applicant has contended that at the time of first appointment the age has to be considered and not at the time of regularisation. In support of his argument he has cited the case S.B.C.W.P. NO. 424/1986 Dr. D. D. Chatterjee V/S The State of Rajasthan and others, 1995 (71) (FLR) page 11. In that case, the petitioner at the time of temporary appointment was within the age limit. He was deemed to be within the age limit, although he had crossed the age limit when he finally appeared before the Commission for selection, under the relevant Service Rules. In the present case the learned Counsel for the applicant has not been able to show the relevant Service Rules or any other authority in support of the argument that the provision of age is applicable only in case of first appointment and not in case of regularisation or age has to be considered at the time of first appointment and not at the time of regularisation, the appointment being casual in nature. There is thus no force in the above contention of the learned counsel. It is not in dispute that under the modified Scheme dated 17-3-94, the applicant is entitled for relaxation in age on the basis of working days in the year 1989, 90 and 91.

POINT NO. 4 :—The applicant has stated that Tarachand Ghotwal was regularised although he was over-age. The applicant has filed copy of the Secondary School Certificate of Tarachand Ghotwal in which his date of birth has been mentioned 2-5-1955. Laxmichand Sharma on the other hand has stated that at the time of regularisation as Floor Assistant, Tarachand Ghotwal was not at all over-age. The applicant has not filed the copy of the regularisation of Tarachand Ghotwal so as to show that he was not in the age limit

at the time of regularisation. It is, therefore, not proved that Tarachand Ghotwal was regularised in spite of being over-age.

POINT NO. 5 :—The learned Counsel for the applicant has not pressed this point as the applicant has been working as Floor Assistant even after 11-1-93, the date alleged to be the date of termination.

POINT NO. 8 :—The learned Counsel for the applicant has cited the case of Director General, Doordarshan House and Another V/S Lalit Vikram reported in (1998) 8 SCC 760 in which the Scheme of the regularisation of casual Floor Assistant was considered.

In the above case the applicant had crossed the upper age limit of 25 years provided under the relevant Rules on 6-6-92. He sought relaxation in upper age limit on the basis of para 6 of the Scheme. The authorities held that he could be given relaxation by 2 years and that even then he was not eligible on the ground of being over-age. The Tribunal allowed the prayer of the applicant which was challenged by the applicant. However, during pendency of the appeal the Scheme dated 17-3-94 was issued, whereby the mode of counting of the days during which a person has worked as a Casual Artist in a particular month has been laid down.

As per the revised Scheme the respondent was found to be eligible for consideration for regularisation on 9-6-92. The APEX Court, therefore, upheld the direction given by the Tribunal under the modified Scheme. The applicant was found to be eligible for regularisation on the basis of the number of years as per revised Scheme.

In view of the above judgement of APEX Court the applicant is entitled to be considered for regularisation as Floor Assistant as per the revised Scheme dated 17-3-94, treating that the applicant was eligible for regularisation as on 9-6-92. However, the termination of the service of the applicant having not been challenged can't be held to be illegal or unjustified. The act of the non-applicant in not regularising the services of the applicant on ground of the 3 days over-age under the original Scheme can't be held to be illegal or unjustified.

The copies of the Award may be sent to Central Government for publication under section 17(1) of the Act 1947.

Sd/-

Presiding Officer

नई दिल्ली, 16 नवम्बर, 2000

का.अ.2653—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रवन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-42012/56/95-डी. यू.]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2653.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/56/95(DU)]

N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER: CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL: NEW DELHI

I.D. No. 91/96

In the matter of dispute between:

Shri Ram Phal S/o Shri Bholey,
r/o WZ-92, Village Dasghara, P. S. Pusa.
New Delhi-12.

Versus

Superintendent Engineer,
CPWD I. P. Bhawan,
New Delhi.

The Executive Engineer,
Electrical Division XI,
CPWD ICRI, Pusa Institute,
New Delhi.

APPEARANCES:

Shri Ravinder Kumar Sharma for the workman,
None for the Management.

AWARD

The Central Government in the Ministry of Labour has sent this reference under section 10(1)(d) and section 2(A) of Industrial Disputes Act, 1947 (hereinafter referred to as Act) vide its Order No. L-42012/56/95-I.R. (D.U.) dated 11/24-9-96 for the adjudication of the industrial dispute on the following terms:—

"Whether the action of the management of Executive Engineer Electrical Division XI, CPWD, JARI Pusa New Delhi-110012 in not promoting Shri Ram Phal S/o Shri Bholey after his passing the test for promotion a wireman, is legal and justified? If not, to what relief the workman is entitled to?"

2. Workman belonged to scheduled caste. His case is that he was initially appointed as work charge khalasi under the management in the year 1960 and he was promoted as assistant wireman in the year 1971.

3. His case further is that he had passed departmental trade test for the post of wireman. The photo copy of the result of Trade test is annexed with the statement of the claim.

4. The workman's case again is that after passing the departmental trade test he had become eligible and entitled for the promotion as wireman but he was denied the said promotion despite the fact that he had approached the authorities for his promotion. The other junior workmen who were working as assistant wireman alongwith the workman were given posting as wireman after passing departmental test but he was denied the promotion without any justifiable and reasonable ground by the authorities.

5. The Management has not contested the case. No written statement was filed by the management. Consequently vide order dated 23-12-96 management was proceeded exparte.

6. The workman has filed his affidavit in support of his case and has also stated on oath as WW1. He has proved his affidavit. His affidavit has been marked as Ex. WW1/1.

7. Arguments on behalf of the workman was only heard and necessary materials available on record were perused.

8. It is undisputed fact that the workman had passed the departmental trade test which was necessary for the promotion on the post of wireman. Besides the allegations made by the workman in the statement of claim this fact has well been stated by the workman in his affidavit Ex. WW1/1. The photo copy of the result sheet of the departmental trade test which has been filed by the workman as annexure 'B' of the statement of claim also confirms the workman's allegations. His name in the said result sheet is mentioned at Sl. No. 53. In view of the fact I do not find any reason to disbelieve the workman's affidavit. The workman thus I find had become entitled for his promotion as wireman but he has been denied the said promotion by the management apparently for no reasons. Furthermore workman's clear assertion as made in his affidavit is that the management had given promotion to one Shri Ram Pat son of Sh. Bhole Ram to the post of wireman instead of giving him promotion when Ram Pat s/o Bhole Ram had not even passed required departmental trade test. That the Ram Pat aforesaid had manipulated for his promotion. In view of the assertions made by the workman in the affidavit further shows that the workman was denied his promotion as wireman unreasonably.

3174 GI/2000—15

9. Next the workman's contention that junior persons to him were given promotion as wireman and it was discriminatory since not controverted by the management I find cannot be disbelieved and on this ground too the denial of promotion of the workman as wireman by the management I find is neither justified nor proper. The workman is entitled for his promotion as Wireman. The workman's clear assertion made in affidavit is that he had become entitled for his promotion as wireman in the year 1971 and he is entitled for his promotion since then. This fact of the workman's entitlement for promotion since 1971 as wireman I find is contradictory to his own allegation made in statement of claim. His allegation made in paragraph 2 of the statement of claim is that he was promoted as assistant wireman in the year 1971. It is undisputed fact that the channel for the promotion of the post of wireman was post of assistant wireman. Hence the petitioner's assertion for his promotion as wireman since 1971 I find cannot be accepted. However, I find he is entitled for his promotion as wireman from the date of his next junior person was given promotion as wireman. The workman's case also is that one Ram Pat s/o Shri Bhole Ram was given promotion as wireman instead of giving said promotion to him. It remain uncontroverted. Hence I find that the workman is entitled for his promotion as wireman from the date Ram Pat s/o Bhole Ram was given promotion.

10. In view of the discussions made above I find that the action of the management for not giving promotion to the workman as wireman after passing the departmental trade test is neither legal nor justified. The workman is entitled for his promotions wireman from the date his junior person to him were given promotion with all the consequential service benefits. The terms of reference is answered accordingly and the award is also given in the like manner.

08-11-20000

K. S. SRIVASTAV, Presiding Officer.

नई दिल्ली, 16 नवम्बर, 2000

का.आ.2654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरणमें, केन्द्रीय सरकार अर्केलोजिकल सर्वे आफ इण्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-42012/50/94-डीयू.]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/50/94(DU)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE SHRI K.S. SRIVASTAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No. 29/95

In the matter of dispute between :

Shri Murari,
through The Superintendent,
Archaeological Survey of India,
Safdarjang, New Delhi-110003.

Versus

The President,
Archaeological Survey of India Workers Union
Purana Kila, Mathura Road,
New Delhi.

APPEARANCES :

Shri Mahesh Chander Gautam for the workman
None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/50/94-I.R.(DU) dated 14-2-95 has sent this reference under section 10(1)(d) and 2-A for the adjudication of the industrial dispute on the following terms :—

"Whether the action of the management of Archaeological Survey of India, terminating the services of Shri Murari, Mason w.e.f. 1-7-93 is justified? If not, what relief the concerned workman is entitled to?"

2. Admittedly the workman was a daily rated employee of the Management namely Archaeological Survey of India. He was employed as Mason in Technical Staff of Category III. The petitioner has stated that he was paid his wages in pay scale of Rs. 950-1400.

3. It is also an admitted fact that the workman's services were ceased w.e.f. 1-7-93.

4. Workman's case is that he was employed under the management since 1976. His cessation of service by the management was illegal and wrong. He was not either given any notice or notice pay was paid to him. The compliance of the provisions of Section 25-F of the Act has also not been done and he was not paid retrenchment compensation. The Management had further failed to comply the provisions of section 25-G of the Act and principle of last come first go was not followed. It is stated by the workman that he had completed 240 days of his working in the year 1977 and 1978 and hence he was entitled for the regularisation of the service which was denied to him for considerable long time i.e. 19 years and his services were discontinued in arbitrary and illegal manner.

5. The workman has further stated that the Management is liable for the punishment under section 25-G of the Act for his wrongful retrenchment. The workman has prayed for his reinstatement in the service after recalling his termination w.e.f. 1-7-93.

6. The Management has denied the workman's case. According to the Management the workman's services were never terminated and in fact the workman had himself stopped coming on duty w.e.f. 1-7-93 and thus he was not entitled for his salary for the period he had stopped attending his duties. Management has specifically stated that it was a voluntary abandonment of service by the workman w.e.f. 1-7-93 and thus there was no necessity of giving notice to the workman or retrenchment compensation to him as stated by the workman.

7. The Management has denied that the workman had completed 240 days of his working. A detailed statement of the working days of the workman in particular year 1986 to 1993 has been given in the written statement and it is stated that the workman had failed to complete 240 days of his work in any of the aforesaid years.

8. The Management case also is that the workman was under the employment of the management since 1986 and not since 1976 as stated by the workman.

9. No rejoinder by the workman has been filed. In evidence only the affidavit of the workman has been filed and is marked Ex. WW1/1. Workman's oral statement has also been recorded but he could not be cross-examined by the management. Vide Order dated 31-7-2000 the management was directed to be proceeded ex parte. Management's application for setting aside the order dated 31-7-2000 was rejected vide order dated 9-10-2000. Arguments on behalf of the workman was only heard. At the very beginning I find that the Management's defence of the voluntary abandonment of service by the

workman cannot be accepted. The Management has not been able to produce any material in support of its defence of voluntary abandonment of service by the workman. There is nothing on the record to show that any step of giving notice etc. to the workman by the management was taken in the case of the voluntary abandonment of service by the workman. In my view it was initially for the Management to have sent notice to the workman for his voluntary abandonment of service. Mere averment made in the written statement in this respect unless substantiated by any cogent proof I find cannot be accepted as truthful. The Management's this plea thus I find fails.

10. Now coming to the question of the legality of the action of the Management for terminating the workman's service w.e.f. 1-7-93 I find that the workman has challenged it on the ground of the violation of the provisions of section 25-G and F of the Act.

11. A perusal of the provisions of the section 25-G of the Act shows that it lays down the principle of last come first go for the retrenchment of the employees. The workman has specifically pleaded that the principle of last come and first go has not been adopted by the Management for terminating his services. On behalf of the management nothing is stated in this respect nor the management has produced any record to show that the said principle of last come first go was followed. I do not find any reason to disbelieve the workman in this respect. The Management's action of terminating the workman's services in my view cannot be held as justified and legal on this ground of violation of the provisions of section 25-G.

12. Now coming to the next question of the non-compliance of the provisions of section 25-F of the Act and failure of the Management to give notice or notice pay to the workman for terminating the service w.e.f. 1-7-93 I find that for the applicability of section 25-F at the first stage it is to be seen that whether the employee has completed one year continuous service. Although in section 25-F the one year continuous service has not been defined but section 25-B of the Act clearly gives definition of the continuous service. Its clauses (1) and 2(a) are important and thus are quoted below :—

"25-B. Definition of continuous service—For the purpose of this Chapter—

(1) a workman shall be said to be in continuous service for a period if he is, for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;"

The workman's case I find is mainly concerned with the provisions of its sub clause 2(a)(ii) according to which minimum 240 days of working days in 12 calendar months preceding the date for which the calculation has to be made is needed.

13. In the present case it is true that the Management has tried to show that the workman had failed to complete 240 days of his working in any particular year till the date of the cessation of his service in this respect beside the management has also filed detail of the calculation given in written statement. It has also filed the statement contained in annexure I and II, III and IV of the list of the documents dated 13-12-96. It is also true that a perusal of the said statement shows that the workman has not completed 240

days of working in any of the years but the statement submitted by the management and the allegations made in the written statement in my view cannot be accepted as correct. On behalf of the workman all these statements of the management has specifically been denied in the application dated 2-2-99 of the workman. It has been stated by the workman that there was concealment of so many dates of the actual working of the workman done on the site. It is also stated that the management has not made any effort to prove the statements so filed giving detail of the working days of the workman by any proof. The workman has neither adduced any evidence nor has filed affidavit of any of its witness in support of their case. Contrary to it the workman has filed his affidavit and he has also stated on oath and he has not been cross-examined by the management. I do not find any reason to disbelieve the workman in this regard and in view of the matter I come to the finding that the management has failed to make the compliance of section 25-F of the Act for terminating the workman's services. The action of the management in terminating services of the workman w.e.f. 1-7-93 cannot be held justified on this ground too.

14. So far the workman's case of taking action against the management under section 25-Q of the Act is concerned I find that since this question is beyond the terms of reference order it cannot be taken into consideration. It is not even incidental to the terms of reference. The workman's this plea is not accepted.

15. In view of the discussions made above I find that the action of the management in terminating the workman's service w.e.f. 1-7-93 is neither legal nor justified. The termination of the workman is thus recalled and set aside and it is directed that the workman be reinstated in service and be given the service benefits according to law since his services were terminated. The term of reference is answered accordingly and the award is also given in the like manner.

K. S. SRIVASTAV, Presiding Officer

Dated 25-10-2000.

नई दिल्ली, 16 नवम्बर, 2000

का. आ. 2655.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय विद्यालय के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-42012/44/2000-(डी. यू.)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2655.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Vidyalaya and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/44/2000(DU)]

N. P. KESHAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 31st October, 2000

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 24/2000

(In the matter of the dispute for adjudication under Section 10(1)(d) & Sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workman and the Management of Principal, Kendriya Vidyalaya, Chennai).

BETWEEN

C. Ramakrishnan,

Workman/I Party

AND

The Principal,
Kendriya Vidyalaya,
Chennai.

Management/II Party

APPEARANCE :

For the Workman.—Sri S. T. Shanmugham, Advocate.

For the Management.—M/s. M. Vaidyanathan and A. R. Ramanarayanan, Advocates.

REFERENCE :

Order No: L-42012/44/2000-IR(DU) dt. 21-6-2000
Ministry of Labour, Government of India, New Delhi.

This dispute on coming up before me for final hearing on 17.10.2000, upon perusing the reference, Claim Statement and Counter Statement and other material papers on record, the oral and documentary evidence let in on either side and upon hearing the arguments of Thiru S. T. Shanmugham, Advocate appearing for the workman and M/s. M. Vaidyanathan and A. R. Ramanarayanan, Advocates appearing for the management and this dispute having stood over till this date for consideration, this Tribunal passed the following:—

AWARD

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Shri C. Ramakrishnan, Workman and the Principal, Kendriya Vidyalaya, Chennai, Management, mentioned as schedule appended to the order or reference.

The Schedule reads as follows :

"Whether the action of the Management of Principal, Kendriya Vidyalaya, Chennai in terminating the services of the workman, Shri C. Ramakrishnan, Head-Cook w.e.f. 8-11-99 is justified? If not, to what relief is he entitled?"

On receipt of this reference, the Industrial Dispute has been taken on file of this Tribunal on 27-7-2000 as Industrial Dispute No. 24 of 2000. Notices were ordered to be sent by Regd. Post to both the parties for the hearing 10-8-2000. On receipt of the notice, both the parties appeared with their respective Counsel and filed their respective Claim Statement and Counter Statement.

1. The averments in the Claim Statement of the Workman/I Party are briefly as follows:—

The First Party/Claimant was appointed as Head-Cook in the scale of pay of Rs. 150-2-2000 as pay order of the Second Party, No. H/81-82 dt. 17-8-81 and he immediately joined the post and has been serving as Head-Cook till 8-11-99 continuously for a period of 18 years, 2 months and 20 days. At the beginning of the First Party's service, an increment of Rs. 5/- per year was sanctioned and was paid Rs. 175/- per month as Basic Pay plus free boarding and lodging facilities. After two years upto the year of 1990, annual increments were paid by raising the Basic Pay to Rs. 225/- per month plus free boarding and lodging facilities. Every year, First Party was paid different increased sums as salary and lastly he was paid a sum of Rs. 2,054/- per mensem as gross salary. The First Party was paid with Bonus from the year 1990-1991 onwards. The First Party was appointed as Head-Cook on a pay scale basis and not on daily wages basis. The date of birth of the First Party is 27-3-1942 and he is due for retirement only on 26-3-2002 when he attains the superannuation age of 60 years intended for the post in the service. But, all of a sudden, First Party's services were terminated on 8-11-99 afternoon. The post

cannot, said to be temporary since it existed for more than 18 years and deemed to have become a permanent post. As per the Supreme Court's decision, when a person works for 280 days continuously without any break, that person is eligible for all attendant benefits. The order of the Second Party is illegal and against natural justice. Instead of terminating the services of the First Party, the Second Party could have made arrangements to transfer the First Party to the needy sister concerns under Central Government. The stand of the Second Party that due to closure of Government hostel, the First Party's services were dispensed with, should not be accepted. As per general establishment rules, closure of an unit is not valid reason for termination of services. It is not justifiable to dispense with the services of the First Party without allowing the attendant benefits. The First Party should have been absorbed in a suitable post. The closing of the hostel is not valid reason to deny the further service to the First Party upto his superannuation age and also to deny the terminal benefits. The First Party's son was selected by the Appointment Committee during 1984 and was appointed. He is living with his family at G.R. Pallipuram in Kerala State. The First Party's daughter was selected for a vacancy on a different day by the Appointment Committee and was appointed. She lives with her family at Kothapalam in Kerala State. They live independently as separate families and they are not in a position to support the First Party. The First Party gave an application on 15-11-99 to the Second Party requesting sanction of eligible terminal benefits. But no reply has been received by the First Party. The First Party raised an Industrial Dispute against the Second Party regarding his non-employment before the Regional Labour Commissioner (C), Chennai. The conciliation talks ended in a failure since the Second Party was not willing for voluntary arbitration. Hence, the failure of conciliation report was sent by the Regional Labour Commissioner (C), Chennai to the Government of India, Ministry of Labour, New Delhi, which in turn referred it as an Industrial Dispute for adjudication by this Tribunal. Hence, this Tribunal may be pleased to adjudicate the dispute and direct the Second Party to reinstate the First Party Claimant in service with full back wages and attendant benefits.

2. The averments in the Counter Statement of the Second Party are briefly as follows:—

The First Party was not employed on permanent basis from 17-8-81 but he was engaged as a Cook purely on a temporary basis as borne out by the contents of the appointment order dt. 17-8-81. The First Party was paid only those wages that were admissible to contingent employees as per the proceedings of the Chennai District Collector's letter No. Rc. C3-2205/81 dt. 29-5-81. The contention of the first party that he rendered satisfactory service without any blemish is false, as he had been warned on several occasions for lapses made during the course of his duties. From 1997-98 onwards, no sports scholar have joined the hostel. The hostel was being run only for five students who were non-sports scholars. In 1998-99, two of them left the hostel and by March 1999, the remaining three had left. Since 1-4-99, no student has come forward to join the hostel. Under these circumstances, the Second Party was left with no other alternative except to close the hostel. Since the First Party's services in the kitchen attached to the Sports hostel were no longer required, his employment which is purely on a temporary basis was terminated. Moreover, the appointment order dt. 17-8-81 issued by the Second Party to the First Party clearly states that the appointment was being made on a temporary basis and may be terminated at any time without any advance notice or without assigning any reason. Further, the order clearly states that the First Party is not eligible for any terminal or retirement benefits. The wages to the First Party were paid as per the Tamil Nadu Government rates that were prevailing at that time for that class of employees. The First Party's performance was far from satisfactory and he was warned for his misdemeanors many a time and each time, he was let off after he tendered an apology. As per Government rules, Casual labour/Daily wage earners are eligible for payment of bonus and the First Party was made no exception to this rule. The First Party has accepted the condition in the appointment order dt. 17-8-81 in toto and now seeks to claim some rights where none are envisaged. Further, the Sports hostel in whose kitchen the First Party was engaged as Cook was not functioning due to lack of students. Moreover, there was no requirement for a cook in any of the sister establish-

ments of the Second Party. Perforce, the Second Party invoked the provisions of the appointment order dt. 17-8-81 and terminated the services of the First Party. This Hon'ble Tribunal does not have the jurisdiction in view of the jurisdiction vested in the Central Administrative Tribunal to deal with the service matters relating to Kendriya Vidyalaya. Hence, it is prayed, that this Tribunal may be pleased to dismiss this I.D. No. 24 of 2000 with cost.

3. When the matter was taken up for enquiry, Counsel appearing on either side represented that they have to let in oral and documentary evidence on their respective sides in support of their respective Claim Statement and Counter Statement. The Claimant, First Party, Sri C. Ramakrishnan examined himself as WW1 and exhibited 9 documents as exhibits W1 to W9. On the side of the Second Party Management, Sri P. N. Sankaran, the present Principal, Kendriya Vidyalaya, IIT Campus, Chennai is examined as MW1 and two documents are exhibited as exhibits M1 and M2. With these oral and documentary evidence, the learned counsel on either side advanced their arguments.

4. The Points for my consideration are:—

- (i) Whether this Tribunal has no jurisdiction to adjudicate this Industrial Dispute as contended by the Second Party?
- (ii) Whether the termination of services of Sri C. Ramakrishnan, Head-Cook w.e.f. 8-11-99 by the Principal, Kendriya Vidyalaya, Chennai is justifiable? If not, to what relief is the First Party is entitled?

Point (i) prior to this reference made by the Ministry of Labour, New Delhi for adjudication by this Tribunal, this Industrial Dispute was raised by the First Party before the Regional Labour Commissioner (C), Chennai for conciliation. It is admitted that for that conciliation proceedings, notice were issued to the Second Party by the Assistant Commissioner of Labour (C) under Ex. W6 to offer the comments of the Second Party for the representation made by the First Party to the conciliating authority. The Second Party in pursuance of the notice under Ex. W6 took part in the conciliation and has submitted his comments under the original of Ex. W8 dt. 17-12-1999. In that reply, the Second Party has not chosen to take a stand that this dispute cannot be adjudicated or conciliated under the Industrial Disputes Act, 1947 but, the matter has to be decided only by the Central Administrative Tribunal which alone has the jurisdiction to deal with the service matters relating to Kendriya Vidyalaya.

The learned counsel for the Second Party while advancing his arguments on this aspect, filed a memo with a copy of the G.O., viz No. H. 11017/7/94-AT dt. 28-12-1998 of Govt. of India, Ministry of Personnel, Public Grievances and Pensions, DOPT (AT Division), New Delhi, has stated that it is a GO relating to jurisdiction of Central Administrative Tribunal for non-government/autonomous bodies and hence this dispute which is in respect of a service matter of the First Party with the Second Party, Kendriya Vidyalaya, Chennai can be dealt with only by the Central Administrative Tribunal and not by the Industrial Tribunal. For this argument, he wants to rely upon the copy of the abovesaid G.O. he has filed into Court. A perusal of this G.O. clearly reveals that the argument advanced by the learned counsel for the Second Party on this aspect is not correct and the G.O., he is referring is not in support of his contention. The G.O. he is referring to is dealt with the powers conferred by sub-section (2) of Section 14 of the Administrative Tribunals Act, 1985 (13 of 1985). It is further stated in the G.O. that under the conferred powers, the provisions of sub-section (3) of Section 14 of the said act shall apply from 1st day of January 1999 to the organisations mentioned in that G.O. Kendriya Vidyalaya Sangathan has been mentioned as the 34th institution appended as a tabular column to that G.O. Nothing has been stated in that G.O. that the jurisdiction of Industrial Tribunals have been ousted for service matters of Kendriya Vidyalaya in view of the conferred jurisdiction to the Central Administrative Tribunals. Further, the said departmental notification as an official memorandum in respect of jurisdiction of Central Administrative Tribunal for non-government autonomous bodies has not been sent to the Secretary, Ministry of Labour though it was sent to various other Secretaries of six ministries

under Govt. of India. Under such circumstances, it can be easily concluded that the contention of the Second Party that this Tribunal has no jurisdiction to adjudicate this Industrial Dispute and the jurisdiction is vested in the Central Administrative Tribunal to deal with the service matters relating to Kendriya Vidyalaya is totally incorrect. Hence, I find this Tribunal has jurisdiction to adjudicate this Industrial Dispute referred to by the Ministry of Labour under the above mentioned reference. Thus I answer the point accordingly.

Point (ii) It is admitted that the First Party Claimant, Sri C. Ramakrishnan was appointed as Head-Cook to the Sports hostel which was attached to Kendriya Vidyalaya, IIT Campus, Chennai and the appointment order issued by the then Principal, Sri Srinivasa Iyengar dt. 17-8-81 is Ex.W1. It is also admitted that he worked as a Head-Cook in that Sports hostel till his services were terminated by an order of termination dt. 8-11-99 which is Ex. W2. Ex. W1 contains the terms under which the appointment as Head-Cook was offered to Sri C. Ramakrishnan, the First Party Complainant herein. In that order itself, it is clearly stated that the appointee should report for duty forthwith giving his acceptance for the conditions laid thereunder. The conditions mentioned in the appointment order Ex. W1 are that the appointee is not eligible for any terminal benefits or retirement benefits and the appointment is purely temporary and his services may be terminated at any time without any advance notice or without assigning any reason. Further, it is stated in the appointment order itself to record his acceptance in the enclosed copy of that order, if those conditions are acceptable to him. Ex. M1 is the office copy of the appointment order dt. 17-8-81 produced by MW1 from the files of the office. It contains the signature of the claimant Sr. C. Ramakrishnan. Though, the First Party Claimant has not stated anything in his claim Statement that he was not aware of the terms mentioned in English in the appointment order Ex.W1 and also in his Chief Examination as WW1, only in the Cross-Examination, he has deposed that it is incorrect to state that he put his signature in the copy of the appointment order after the contents which are in English were explained to him in Tamil and after the appraisal of the condition of the appointment order, he knew that it is only a temporary job. Contrary to his averments in the Claim Statement, he deposed in the cross-examination for the first time that even now he does not know what are all the conditions mentioned in the appointment order Ex. W1 which is in English and he never attempted to know its contents through any English knowing person. From this, it is seen that he has chosen to deny about his knowledge of the contents of the appointment order Ex. W1 for the first time in the cross-examination for the reasons best known to him and it is false.

It is never the contention of the First Party Claimant that his services has been subsequently regularized and his appointment originally made as a temporary one and later made permanent. It is also not his claim that he ever approached the management to make his post a permanent one and his request was acceded to by the management. So, from the facts available on document, it is seen that the First Party Claimant, has been employed temporarily as a Head-Cook for the Sports hostel only which is attached to Kendriya Vidyalaya, IIT Campus, Chennai.

The claim of the First Party Claimant contra to this is without any basis.

It is admitted that the services of the First Party Claimant, Sri C. Ramakrishnan was terminated under the orders of the termination dt. 8-11-99 issued by MW1 as Ex.W2. The Claimant as WW1 has deposed that the Principal, Mr. Sankaran gave him a letter dt. 8-11-99 stating that the hostel has been closed and he can go and in such a way, his job has been terminated. That termination order is Ex. W2. He has also admitted in his evidence that for some time, there was no students in the hostel and that was why the Principal said that the hostel has been closed. He has also admitted in his evidence that after Mr. Shanmugham became the Principal of Kendriya Vidyalaya, nearly four letters would have been sent to Delhi requesting the closure of the hostel. But, he has given different reasons for the attempt made by the management for the closure of the hostel as the reason for the decrease in the inmates of the hostel. Further, he has deposed that since they required space for the office, they thought it fit to close the hostel and to have the reduced work, the Principal of the Kendriya Vidyalaya thought it fit to have the hostel closed. These reasons for the closure of the hostel by the management are given by the First Party Claimant as WW1 for the first time and the same, he has not mentioned in his Claim Statement or in any one of the documents in the earlier proceedings. From this, it can be easily concluded that it is only an after thought of the Claimant First Party to strengthen his case in this Industrial Dispute.

The Second Party as MW1 has deposed clearly that Kendriya Vidyalaya Sangathan, New Delhi as the Controlling Authority of the Kendriya Vidyalaya schools all over India, after considering the feasibility, thought it fit to have the hostel for the boy students, who are interested in sports activities, to develop the Sport skill with the available facilities in the IIT, Chennai. He has further deposed that subsequent to March 1999, there was no student to join the hostel willingly either as a Sports student or as a non-sports student and hence, he explained the situation by writing a letter to Kendriya Vidyalaya Sangathan, New Delhi which in turn passed as office order dt. 28-10-99 Ex. M2 informing him to close down the hostel with immediate effect. All these evidence of MW1 has not been disputed or denied, by the First Party Claimant. From this, it is clear that the Second Party Management i.e. The Principal, Kendriya Vidyalaya, IIT Campus, Chennai is not the controlling authority for running the hostel for Kendriya Vidyalaya, Chennai and the Second Party Management has to close down the Sports hostel under the orders of the controlling authority from New Delhi under compelling circumstances. Further, it is seen that the order of termination of services as Head-Cook was given to First Party Claimant by the Second Party Management only because of the closure of the Sports hostel. The said action of the Second Party Management cannot said to be an unjustifiable one, but it is only in accordance with the terms and conditions mentioned in the appointment order Ex. W1. It is not the case of the First Party Claimant that, even though there is vacancy of a post, equivalent to the post of Head-Cook of the Sports hostel, available in the office under the control of the

Second Party Management, or any other sister concern of the Central Government, the Second Party Management has purposely passed order for the First Party Claimant to quit the services. Further, MW1 has clearly stated in his evidence that the hostel was running, out of the hostel fund provided and because of the closure of the hostel, there was no hostel fund to pay as salary to the Head-Cook, Sri C. Ramakrishnan. He has further deposed that since the post of the Claimant as Head-Cook is lower in cadre than Group 'D' and there was no other Kendriya Vidyalaya in Chennai with hostel facility, he could not provide him (Claimant) with some other appointment for his cadre. It is also his evidence that he recommended him (Claimant) to be absorbed as Group 'D' Workman by the Assistant Commissioner orally anticipating the closure of the hostel. He has further stated that even though there are three other similar hostels attached to Kendriya Vidyalaya elsewhere in the State, as they are with full strength, this Claimant could not be provided with a post in those hostels also. There is no suggestion even in the cross-examination that what he says is false and has not taken such steps to help the claimant. Under such circumstances, the said evidence given by MW1 on this aspect, cannot be said to be un-believable or false. It is not disputed that the Claimant was paid as per the fixation of daily wages rate fixed by the District Collector for employees of his cadre which is admittedly higher than the pay-scale mentioned in the appointment order Ex. W1. Considering all these facts, it can be easily concluded that the action of the management the Principal, Kendriya Vidyalaya Chennai in terminating the services of the workman, Sri C. Ramakrishnan, Head-Cook w.e.f. 8-11-99 is justified.

It is the contention and evidence of the Claimant that subsequent to the termination of service, he finds it difficult to take out his livelihood. But, he had admitted that his one son and another daughter were given employment after selected by the Appointment Committee and they are now in employment in Kerala State. It is neither his contention nor his evidence that his employed children have refused to maintain him at his old age. It is also not his contention that he has no avocation subsequent to his termination from service. So, under such circumstances and on the basis of the particulars in this Industrial Dispute, the oral and documentary evidence with regard to his age at the time of the termination of service is of no concern. Further, the expectation of the First Party Claimant that the Second Party Management to provide him with a job, subsequent to the termination of his service is beyond the control of the Second Party Management. Further, he cannot be expected to meet the demands of the First Party Claimant since he has not been provided with power and funds.

The argument of the learned counsel for the First Party Claimant that as per the decided cases, if an employee appointed as a temporary employee, work continuously for a period of 240 days, his post has to be made permanent, cannot be made applicable to this case. The exhibits W4, W5 to W9 are the document relating to earlier conciliation proceedings which ultimately ended in a failure. What that has been raised as contention by either party before the

conciliating authority has been stated by them here also before this Tribunal in this Industrial Dispute.

The learned counsel for the Claimant First Party has put forth an argument that in view of the decisions of the High Court of Madras reported as "1966 II LLJ, Page 216" (The President, Srirangam Co-operative Urban Bank Ltd. v/s. 1. The Presiding Officer, Labour Court, Madurai, 2. K. Nagarajan) and the Supreme Court of India in the case reported as "1992 LLJ, Page 70", (Punjab Land Development and Reclamation Corporation Ltd., Chandigarh etc. and several others vs. Presiding Officer, Labour Court, Chandigarh etc. and several others) are applicable to this case also, since in both the decisions, a clear definition has been given for the word 'Retrenchment' and decision of both the High Court and the Supreme Court can be followed for this case also. A perusal of those two judgements clearly show, that the decisions were arrived at, by the respective courts in those cases, on the basis of the particular facts of those cases, which is not consistent with the facts of the present Industrial Dispute. Under such circumstances, those decisions of the courts, relied upon by the learned counsel for the First Party Claimant cannot be applicable to this case.

In view of the above findings, I come to the conclusion that the action of the Management, the Principal, Kendriya Vidyalaya, Chennai in terminating the services of the Workman, Sri C. Ramakrishnan, Head-Cook w.e.f. 8-11-99 is justified and the First Party Claimant, the Workman is not entitled to any relief prayed for. Thus, I pass this award accordingly. Each party to bear their own cost.

Dictated to the stenographer & typed by him direct and corrected and pronounced by me in the open court on this day, the 31st October, 2000.

K. KARTHIKEYAN, Presiding Officer.

WITNESS EXAMINED

For Claimant I Party : Sri C. Ramakrishnan.

For Management II Party : Sri P. N. Sankaran.

DOCUMENTS MARKED

For Claimant I Party

Ex. W1 17-8-1981—Appointment order (xerox copy) issued by the Principal, Kendriya Vidyalaya.

Ex. W2 8-11-99—Termination order issued by the Principal, Kendriya Vidyalaya.

Ex. W3 4-6-83—Certificate of Date of Birth issued by President, Chelakara Panchayat.

Ex. W4 15-11-99—Xerox copy of the letter by the Claimant to the Management.

Ex. W5 26-11-99—Copy of the letter sent by Claimant to Regional Labour Commissioner (C), Chennai.

Ex. W6 7-12-99—Letter sent by ALC(C)-I, Chennai to the Management (Copy).

Ex. W7 17-12-99—Letter to ALC(C)-I, Chennai by the Management (Copy).

Ex. W8 31-12-99—Letter to RLC(C), Chennai by the Claimant (Copy).

AWARD

Ex. W9 28-2-2000—Copy of the letter addressed to Secretary, Government of India, Ministry of Labour, New Delhi by ALC (C)-I, Chennai.

For the Management/II Party

Ex. M1 17-8-1981—Office copy of appointment order given by the Management to the Claimant.

Ex. M2 28-10-1999—Copy of Office Order passed by Officer on Special Duty, Kendriya Vidyalaya Sangathan, New Delhi.

नई दिल्ली, 16 नवम्बर, 2000

- का. आ. 2656.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलोजिकल सर्वे ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-42011/11/92-आई आर (डी. यू.)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 15-11-2000.

[No. L-42012/11/92-IR(DU)]

N. P. KESVAN, Desk Officer

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 6/93

In the matter of dispute between:

Shri Dharam Singh and Ors.
through the President,
Archaeological Survey of India Workers Union,
Purana Qilla, New Delhi-110007.

Versus

Superintending Archaeologist,
Archaeological Survey of India,
Delhi Circle,
Safdarjung Tomb,
New Delhi-110011.

APPEARANCES :

Shri Mahesh Chander Gautam—for the workman,
None—for the Management.

The Central Government in the Ministry of Labour vide its Order No. L-42011/11/92/I.R. (D.U.) dated 7-1-93 has sent this reference under section 10(1)(d) and 2A of the I.D. Act (hereinafter referred to as Act) for the adjudication of the industrial dispute on the following terms:—

“Whether the action of the management of Archaeological Survey of India in terminating the services of Shri Dharam Singh, Mason w.e.f. 1-4-91, Shri Kunwar Singh, Beldar w.e.f. January, 1992 and Shri Arjun Singh, Beldar from January, 1992 is justified? If not, what relief they are entitled to?”

2. The workmen case is espoused by Archaeological Survey of India Workers Union and the statement of claim has been filed by its President.

3. As per allegations made in the statement of claim the date of the appointment and terminations of the workmen are as under :—

1. Dharam Singh appointed as Mason in the year 1979. His services were terminated w.e.f. 1-4-91.

2. Kunwar Singh were appointed as Beldar in the year 1990 and terminated in the month of January, 1992.

3. Arjun Singh appointed as Beldar in the year 1990 and terminated in the month of January, 1992.

4. The averment of the workman specifically is that they had completed 240 days of their working in the service under the Management. According to Dharam Singh he had completed 240 days of working within 12 calendar month preceding the date of his termination when the allegations of Shri Kunwar Singh and Arjun Singh is that they had completed 240 days of their working in the year 1991-92.

5. It is further stated on behalf of Dharam Singh that he was terminated in a discriminatory manner because the services of Shri Girdhari Lal were retained.

6. The workmen have challenged the legality of management's action of terminating their services on the ground firstly that the provisions of Section 25G of the Act have not been followed and the principle of last come first go was not adopted by the management at the time of their services. Secondly that their termination is violative of Section 25F of the Act since retrenchment compensation was not paid nor any notice of their termination was given. The workmen have also pleaded that the management is liable for the punishment under section 25O of the Act for their illegal Act of terminating the services of the workmen. The workmen have prayed for setting aside their termination and for their reinstatement in the services with all service benefits.

7. The Management has contested the workman case and has filed written statement. The Management has taken two preliminary objections to the effect first that the statement of claim filed by the workman is bad for misjoinder/non-joinder of necessary party. Union of India was a necessary party and since it has not been impleaded as a party in the case by the workmen the workmen claim should be rejected on this

ground. Second objection is that the management namely Archaeological Survey of India was not an 'Industry' as defined under the Act. It is further stated in this respect that as per Section 2(5)(6) of the Act the Management does not fall under the purview of the Act and, therefore, the reference is bad and the Tribunal has no jurisdiction to adjudicate the alleged dispute. It is to be noted here that there is no such section 2(5)(6) of the Act dealing with the aforesaid subject.

8. On merit the management case is that all the aforesaid workmen were engaged against the job of casual nature in group 'D' category on the exigencies of the work and they were paid their wages for the days they had worked. The work performed by the workmen was not of a permanent nature. It is further stated by the management that for the regularisation of the service in Group 'D' post in regular establishment it was a condition precedent that the employee should have been duly registered and was sponsored by the employment exchange beside completing 240/206 days long service in two continuous years. Since the workmen were not fulfilling the aforesaid conditions for appointment in group 'D' post borne on regular establishment in terms of the instructions issued by the Government through Department of Personnel and Training their services were rightly dispensed with. The Management has further denied the case of Dharam Singh of discrimination and has stated that Shri Girdhari was senior to Shri Dharam Singh since his date of engagement was 14-5-79 and thus he was considered for the vacant post of manumnt attendant and after finding him fit he was regularised.

9. Management has, however, given the details of the working days in particular years of the workmen in written statement. The management has prayed for rejection of the reference with exemplary costs against the workman.

10. In the rejoinder filed by the workman he has tried to repeat the allegations made in the statement of claim. On reading of the rejoinder filed by the workman it is found that at most of the places the workman has put a question mark about the actions of the management for employing daily rated employees and denying the regularisation in service to them which I find is neither healthy nor in a good posture.

11. On behalf of the workman the affidavit of Dharam Singh, Sh. Kunwar Singh have only been filed and both the affidavits have been marked as Ex. WW1/1 and W.W2/1. It appears that during the ex parte proceeding against the management the statements of both the aforesaid workmen were recorded, but after setting aside the ex parte proceeding against the Management and at the final stage only Shri Dharam Singh had appeared and his statement was recorded on 31-7-2000. He could not be cross-examined by the Management.

12. Vide order dated 31-7-2000 ex parte proceedings were directed to be taken up against the Management. The Management's application for setting aside the order dated 31-7-2000 was rejected vide order dated 9-10-2000.

13. Arguments on behalf of the workman was only heard.

14. Both preliminary objections of the management in my view are not satisfactory. It is well recognised principle that a civil suit cannot be thrown out and dismissed solely on the ground of non-joinder or mis-joinder of parties. That apart the present case arises on the reference made by Central Government in the Ministry of Labour and this Tribunal has to answer the term of reference and not to dispose of the statement of claim filed by the workman. Thus I find the question of misjoinder and non-joinder of Union of India by the workman in the statement of claim is neither material nor relevant.

15. As regards the next objection of the management about the invalidity of the reference on the ground that the management was not an 'industry' after having considered the facts and circumstances of the case I find that this plea of the management is devoid of any merit. Management has not made any attempt either in written statement or by adducing evidence to show as to how the management was not an 'Industry'. This plea I find has been taken by the management in a routine and stereo type manner. The mere allegation of the management that it was not an 'Industry' in my view is not in any manner sufficient to accept it.

16. Term 'Industry' has been defined in section 2(j) of the Act. A perusal of it shows that it contains words of wide import. According to the dictum of the Hon'ble Supreme Court of India given in the case of Bangalore Water Supply and Sewerage Board Vs. A. Rajappa and others 1978 S.C.C. 9 an undertaking would fall within the ambit of industry if it carries out systematic activity arranged by the cooperation between the employer and employee for the production and distribution of goods and services calculated to satisfy human wants and wishes. There is nothing on the record to show by the management that the working conducted by it was not a systematic activity. In view of the fact and on my considered view I am of the view that the management is an 'Industry' within the meaning of section 2(i) of the Act. The plea taken by the Management in this respect is thus not accepted.

17. Now coming to the question of the legality of the action of the Management for terminating the workman's service w.e.f. 1-7-93 I find that the workman has challenged it on the ground of the violation of the provisions of sections 25G and F of the Act.

18. A perusal of the provisions of the section 25-G of the Act shows that it lays down the principle of last come first go for the retrenchment of the employees. The workman has specifically pleaded that the principle of last come and first go has not been adopted by the Management for terminating his services. On behalf of the management nothing is stated in this respect for the management has produced any record to show that the said principle of last come first go was followed. I do not find any reason to disbelieve the workman in this respect. The Management's action of terminating the workman's services in my view cannot be held as justified and legal on this ground of violation of the provisions of section 25-G.

19. Now coming to the next question of the non-compliance of the provisions of section 25-F of the Act and failure of the Management to give notice or notice pay to the workman for terminating the services

w.e.f. 1-7-93 I find that for the applicability of section 25-F of the first stage it is to be seen that whether the employee has completed one year continuous service. Although in section 25-F the one year continuous service has not been defined but section 25-B of the Act clearly gives definition of the continuous service. Its clauses (1) and 2(a) are important and thus are quoted below :

"25-B. Definition of continuous service.—For the purpose of this Chapter—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.

The workman's case I find is mainly concerned with the provisions of its sub clause 2(a)(ii) according to which minimum 240 days of working days in 12 calendar months preceding the date for which the calculation has to be made is needed.

20. The specific case of the workman is that they have completed more than 240 days of their working according to Dharam Singh he had completed 240 days of working within 12 calendar months preceding the date of his termination. S/Shri Kunwar Singh and Arjun Singh have stated that they had completed 240 days of the working in the year 1991-92. Management has nowhere specifically denied these assertions of the workman. In the affidavit filed by Shri Dharamvir Sharma on behalf of the Management nothing is stated in this respect contrary to it in the affidavit filed by the workman namely Shri Dharam Singh and Kunwar Singh. This fact of completion of 240 days of working has been stated and Shri Dharam Singh and Kunwar Singh both could not be cross-examined by the Management. In view of the fact I am unable to find any reason to disbelieve the workman's case in this respect and I find in view of the fact that the workman have completed their 240 days of working I find that they had become entitled to get benefit of section 25-F of the Act. I find myself unable to agree with the management's plea that since the workmen were not sponsored by the employment exchange and were not duly

registered there their services in group 'D' post in regular establishment could not be regularised. In the present case we are not dealing with the question of regularisation of the service of the workman. We are dealing with the question of illegality of the action of the management for terminating the services of the workmen. In view of the fact it is only required to see that the workman could be considered to be in continuous service of one year for getting the benefit of section 25-F of the Act. It is found above that the workmen have completed 240 days and are entitled to get the benefit of section 25 of the Act. Undisputedly compliance of section 25-F has not been done by the management. Neither any notice has been given nor a notice pay has been paid to the workman. They have also not been paid their retrenchment compensation. No such plea has been taken by the management. In view of the fact the termination of the workman I find cannot be held legal and valid.

21. So far the workman's case of taking action against management under section 25-O of the Act is concerned I find that since this question is beyond terms of reference order it cannot be taken into consideration. It is not even incidental to the terms of reference. The workman's plea in this respect is not accepted.

22. In view of the discussions made above I find that the action of the management in terminating the workman's service w.e.f. 1-7-93 is neither legal nor justified. The termination of the workman is thus recalled and set aside and it is directed that the workman be reinstated in service and be given the service benefits according to law since his services were terminated. The term of reference is answered accordingly and the award is also given in the like manner.

25-10-2000.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2000

का.आ. 2657.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[स. एल-22012/261/98(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2657.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 15th November, 2000.

[No. L-22012/261/98(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.
Reference No. CGIT 99/2000

Employers in relation to the management of
W.C.L.

AND

Their Workman Shri S. R. Rout.

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/261/98/IR(CM-II) dated 16-6-1999 on the following schedule.

SCHEDULE

"Whether the action of the management of M/s. WCL in not giving notional Seniority to Shri S. R. Rout, Senior Overseer (C) is legal, proper and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

Shri S. R. Rout had joined service as Overseer(C) on 15-5-82 and was posted to Wani Area of WCL, Chandrapur. He is a Diploma Holder Civil Engineer. On 11-3-90 he fell ill. The workman says that he had given information about his illness and sent the application of leave. The management of WCL issued Chargesheet against him on 22-4-90 and after holding enquiry terminated his service vide order No. 5978 dated 21-12-92. He filed a Writ Petition bearing No. 5 of 1993. His Writ Petition was allowed on 1-4-1993 and the order of termination was set aside. He joined duty on 20-4-93.

Again after calling for his explanation, the management terminated his services by order No. 1328 dt. 10-5-93. Shri S. R. Rout again filed Writ Petition No. 1272 of 1993 before the Hon'ble High Court, Nagpur Bench, Nagpur.

After that on 16-10-96 General Manager (IR), WCL, Nagpur sent a letter to Chief General Manager, Wani Area informing him that the Competent Authority has approved re-employment of Shri S. R. Rout, Ex-Senior Overseer (C), Wani Area as Overseer (C) in Grade 'C' afresh. The period of idleness will be treated as dies non and he will not be entitled for any claim, wages or any other benefits etc. except that the continuity of service shall be given for limited purpose of gratuity. The General Manager also directed him that an appropriate settlement on usual terms and condition with the individual as well as union representative in Form (H) be obtained before he is re-employed. In accordance with this order the settlement in Form (H) was got signed by Shri P. G. Jahagirdar, Deputy Chief Manager and the President and Secretary of K.S.S. (H.M.S.) Union, Wani Area and Shri S. R. Rout.

On 18-11-96 Shri S. R. Rout moved an application to the Asstt. Labour Commissioner (Central), Chandrapur for the termination of the above settlement. He mentioned in this application that he is not agreed with the terms and conditions of this settlement due to its being harsh and only unfair labour practice and victimisation.

The workman thereafter raised the dispute before the Assistant Labour Commissioner (Central), Chandrapur through ITUC Union on 16-6-98 and that he submitted failure of conciliation report on 17-7-98. The reference was sent to the C.G.I.T. Court No. 2 at Mumbai by Ministry of Labour, New Delhi vide order dated 16-6-99 for adjudication.

The statement of Claim was submitted by the workman on 12-8-99 and the Written Statement was filed by the WCL on 31-10-99.

The management contested the case on this ground that the settlement dated 26-10-96 is binding on the workman and he has no right to raise this dispute. It is also mentioned that the workman is not entitled to any notional seniority as mentioned in the reference sent by the Ministry of Labour, New Delhi.

Shri S. B. Panse, Presiding Officer, C.G.I.T. Court No. 2 at Mumbai framed the undernoted issues on 14-12-99.

ISSUES

1. Whether S. R. Rout is not a workman within the meaning of Section 2(s) of the Industrial Dispute Act of 1947?
2. Whether, S. R. Rout had no locus standi to raise the dispute?
3. Whether, in view of the settlement dated 26-10-96 S. R. Rout cannot raise any industrial dispute?
4. Whether, the action of the management in not giving notional seniority to Shri S. R. Rout is legal, proper and justified?
5. If not, to what relief the workman is entitled?

The workman Shri S. R. Rout examined himself in this Court. He submitted affidavit on 12-12-99. He was cross examined by Shri L. T. Lavatra, Deputy Chief Manager, Wani Area on 11-7-2000. From the side of management Shri P. G. Jahagirdar was examined. He was cross examined by Shri S. R. Pandre representative of the workman on 18-9-2000.

Both the parties have submitted documents in support of their case. The written arguments were filed by the workman and the management. The management was represented by Shri L. T. Lavatre, Deputy Chief Personnel Manager, Wani (North) Area of WCL.

The workman Shri S. R. Rout was represented through Shri S. R. Pandre, General Secretary, Lal Batya Koyla Kamgar Union, Chandrapur. The representative of the workman and the management also argued the case orally.

I have considered the entire oral and documentary evidence on record and the arguments filed by both the parties.

Issue Nos. 1 and 2 are correlated and are decided together.

So far as issue No. 1 is concerned, it is admitted to both the parties that the workman was terminated for being continuously absent without permission for more than ten days by the management as per standing order clause 13(1)/14. The standing order referred to above is applicable to the workman in the Western Coalfield Limited. Thus, both the parties have conceded on this point that Shri S. R. Rout is a workman in WCL. He therefore, has a right to raise the dispute through the union.

Sh. S. R. Pendre has submitted an application dated 24-8-99 that he was authorised by the workman Shri S. R. Rout to represent him in the above matter. He also argued that Samyukta Khadan Mazdoor Sangh (AITUC) had no objection on the authorisation of the workman. The workman has therefore right to get himself represented through the union Lal Bavta Koyla Kamgar Union. The workman cannot be deprived to engage a person of his choice to defend him. If not representative of union comes forward to represent him, he was at liberty to engage any Counsel. Issue Nos. 1 and 2 decided accordingly.

So far as issue Nos. 3, 4 and 5 are concerned, they are being decided together.

In this case the workman Shri S. R. Rout is now in the service of the WCL and is working as Overseer. At the time of his 1st termination order dated 21-12-92 he was working as Senior Overseer Grade 'C'. He was promoted as Senior Overseer (C) w.e.f. 14-5-88. His termination was set aside by the Hon'ble High Court vide order dated 1-4-93. In the aforesaid order the Writ Petition of the workman Sanjay R. Rout was allowed and order for dismissal was set aside. After that on 15-4-93 the Additional General Manager, WCL, Wani Area asked him to join duty vide letter WCL/WA/AGM(OP)/Ghugus/PER/1093 dated 15-4-93. Shri S. R. Rout joined the duty on 20-4-93. This document is Annexure '12' page 42 in the file.

On 10-5-93 he was again terminated. The letter No 3065 dated 16-10-96 of the General Manager (IR), WCL, Nagpur shows that he was again employed. His period of idleness was treated as dies non. He was however given benefit of continuity of service for the purpose of gratuity. This letter therefore shows that the appointment of the workman cannot be considered afresh appointment.

If a workman has been given the benefit of continuity in service for the purpose of gratuity than his entire length of service shall be counted. If the continuity of service is not considered than he cannot get the benefit of gratuity. The amount of gratuity is considered on the basis of length of service. It is therefore clear that the workman has become entitled for gratuity w.e.f. the date of his appointment i.e. 15-5-92.

The management has already punished the workman by withholding his payment of wages for the

period he remained absent. He therefore cannot be punished twice for the same fault.

The workman has been given appointment by the WCL through settlement dated 26-10-96 also.

The perusal of the memorandum of settlement of Form (H) dated 26-10-96 shows that the terms of settlement are just the repetition of the direction of General Manager (IR), WCL, Nagpur dated 16-10-96. They have been only reproduced again on Form (H).

There is nothing on record to show that this settlement was arrived at between the workman and the management in the presence of Conciliation Officer. The statement of Shri P. G. Jahagirdar, Deputy Chief Personnel Manager dated 18-9-2000 also does not show that the memorandum of settlement was signed by the parties in the presence of Conciliation Officer.

Shri S. R. Pendre has argued that the settlement dated 26-10-96 was signed on Saturday when the Conciliation Office remains closed. He submitted that 26-10-96 was Saturday and the offices of the Central Government remain closed on Saturday. In the memorandum of settlement dated 26-10-96 it is not mentioned that it was signed by the parties in presence of Conciliation Officer.

Section 2(p) Industrial Dispute Act is as under:

Settlement means a settlement arrived at in course of conciliation proceeding and includes a written agreement between the employer and workman arrived at otherwise than in the course of conciliation proceeding where such arrangement has been signed by the parties thereto in such manner as may be prescribed and a copy thereof has been sent to (an officer authorised in this behalf by) the appropriate Government and the Conciliation Officer.

It is also argued that in *Bata Shoe Company (P.) Ltd. Vs. Shri D. N. Ganouly*, 1961(1) LLJ 303, Supreme Court, it is held by the Hon'ble Supreme Court that a settlement in the course of Conciliation proceedings does not mean settlement which is reached between the parties during the period when a conciliation proceeding is pending before a Conciliation Officer, but is the one which is assisted and aided by the Conciliation Officer by his advice and concurrence on his being satisfied that the settlement is fair and reasonable.

The word fair and reasonable carry much significance. If a settlement is dictated by the management and the signature of the workman is obtained than it cannot become binding on the workman unless it is fair and reasonable.

Section 12(3) Industrial Dispute Act is as under:--

If a settlement of the dispute or of any of the matter in dispute is arrived at in course of the conciliation proceedings the Conciliation Officer shall send a report thereof to the appropriate Government or an Officer authorised in this behalf by the appropriate Government together with a memorandum of the settlement signed by the parties to the dispute.

There is nothing on record to show that the above settlement dated 26-10-96 was signed by the parties in the presence of Conciliation Officer. It is also not on record that the Conciliation Officer had sent a report of the above settlement to the appropriate Government together with the memorandum of settlement. In these circumstances the workman is not bound by terms and conditions of the settlement which are imposed upon him so far as they are not in his interest. The condition No. 3 that he will not be entitled to any wages of any other benefits etc. for the period of idleness from the date of dismissal to the date of his joining on re-employment is unfair and unreasonable. Condition No. 5 that he will be kept on probation for a period of one year from the date of his joining and the services will be terminated without offering him the usual opportunities to defend him—is also unfair. Condition No. 8 that no further claim whatsoever on any other ground will be made by the union/workman in this regard is also unfair and unreasonable. So the above terms of settlement mentioned in condition Nos. 3, 5 and 8 are unreasonable and unfair.

The workman had moved an application on 18-11-96 before the Assistant Labour Commissioner (C), Chandrapur and copy of it was sent to Deputy Chief Personnel Manager, Wani Area, Chandrapur that the above settlement dated 26-10-96 be terminated. He does not agree with the terms and conditions of settlement due to being harsh and unfair. There is nothing on record to show that any order was passed by the General Manager (IR), WCL, Nagpur or the Chief General Manager, WCL, Wani Area on this application.

Under section 19(2) of Industrial Dispute Act a workman has a right to convey his intention in writing to terminate the settlement to the management, if he is not satisfied with the terms and conditions of the settlement.

The Hon'ble Supreme Court in 1977-II-LLJ 339 SC Shukla Manseta Industries Pvt. Ltd. Vs. The Workman has held that the notice under section 19(2) of Industrial Dispute Act is only for intimation of an intention to terminate the settlement. There is no legal impediment to give advance intimation of the aforesaid intention provided the contractual or statutory period of settlement is not hereby affected or curtailed.

Thus a workman had a right to give information to terminate the settlement even before the expiry of six months.

There is nothing on record to show as to why the application dated 18-11-96 was not considered by the management up to June, 1998. There is nothing on record to show as to why, when the dispute was laid again before the Assistant Labour Commissioner (C), this application dated 18-11-96 was not considered.

The Deputy Chief Personnel Manager Shri L. T. Lavate has submitted ruling 1968 ILLJ page 514 Bangalore Woollen, Cotton and Silk Mills Company Ltd. and Their Workman and another and Employees of Thungabhadra Industries Ltd. and Their Workmen and another II LLJ 1977 Supreme Court. The

photostate copy submitted by him do not contain page numbers. These rulings are concerned on the matter of 'Award'. They are not applicable in the matter under reference.

As I have discussed above the reading of the settlement dated 26-10-96 clearly shows that it is not fair and reasonable. It is not in the interest of the workman. The workman cannot be debarred by and agreement that he will not raise the dispute before any Court or Tribunal.

He was promoted as Senior Overseer (C) in Grade 'C' w.e.f. 14-5-88 and so at the time of first termination he was Senior Overseer (C). As his termination has been set aside, he shall get all the benefits of the continuity in service alongwith the consequential benefits regarding his seniority in promotion.

In view of the above facts and evidence on record, I therefore hold that the workman is entitled to get the benefits of the continuity in service. The consequential benefits of his seniority should also be given to him taking his service in account from 15-5-82.

Issue Nos. 3, 4 and 5 are decided accordingly.

ORDER

The action of the management of M/s. WCL in not giving notional Seniority to Sh. S. R. Rout Senior Overseer (C) is illegal and unjustified. He cannot be debarred to get the benefits of his continuity in service. He is also entitled to notional Seniority according to the rules of promotion applicable in the WCL, Nagpur.

The parties shall bear their own costs.

The reference is answered accordingly.

Date : 11-10-2000.

B. G. SAXENA, Presiding Officer.

नई दिल्ली, 16 नवम्बर, 2000

का.या. 2658.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रवर्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवध में दिदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार/अन्य यथा, नागपुर के पंवाट को प्रकाशित करना है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एन-22012/242/97-सी. II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2658.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 15-11-2000.

[No. L-22012/242/97-I.R.(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. CGIT : 106/2000

Employers in relation to the Management of W.C.L.

AND

Their workman Shri Mallaya Lachamayya.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute of adjudication vide order No. L-22012/242/97-I.R. (CM, II) dated 22-7-1998 in the following schedule.

SCHEDULE

"Whether the action of the management namely Sub Area Manager, M/s. WCL, Naigaon Sub Area, P.O. Bellora, Tah. Wani, Distt Yavatmal in terminating the services of Shri Mallaya Lachamayya the then Trammer-Cum-Loader is proper, legal and justified ? If not, to what relief the workman is entitled and from which date ? What other directions are necessary in the matter ?"

The workman Mallaya Lachmayya was Trammer-Cum-Loader from 30th July 1971 at Sasti Colliery. He was transferred to Ghuggus Colliery in the year 1983. At Ghuggus Colliery due to change of climate he fell ill in September 1984. He shifted to his native place at Nimmanpelli, Dist. Karimnagar in Andhra Pradesh. In June 1985 when he went to Ghuggus Colliery he was informed that his service was terminated on 30-4-85. He approached to Shri R.C. Pande, Trade Union Leader to take up his case with the management. But after some time Mr. Pande died. After that he went to another Trade Union Leader Shri G.V.R. Sarma. Shri G.V.R. Sarma also did not initiate any proceedings. He then approached the third Trade Union Leader but, could not get any help from him. On the advice of an Advocate he raised this dispute with Assistant Labour Commissioner on 28-2-97. The conciliation proceedings failed and the matter was referred to Govt. of India, Ministry of Labour, New Delhi on 22-7-98. The reference was sent by Govt. of India, Ministry of Labour to C.G.I.T. Court, Mumbai. This case has been received by transferred in this court in May 2000.

The management has contested the case, that on 30-4-85 Naigaon Sub Area of Ghuggus Colliery No. 1 was not in existence and both the mines of Ghuggus Colliery were very old and had become unsafe for working and hence these collieries were abandoned and closed from 1-7-85 with due statutory notification of the Director General of Mines Safety under Coal Mines Regulations 1957. From 1-7-85 Ghuggus Colliery became permanently non existent,

The workers of this colliery either took voluntary retirement or were transferred to other underground mines. As the aforesaid colliery has become dead establishment No Industrial Dispute can be raised. The workman did not raise the dispute in April 1985. No records of this colliery and their workers are available now. The workman has raised the dispute after 12 years. The workman has mentioned that he had himself left the colliery. He did not intimate to the management about his whereabouts. He also did not send any leave application when he left to his native place at Nimmanpelli village, Karimnagar Dist., Andhra Pradesh.

The workman remained absent from September 1984 to June 1985 and therefore had abandoned the employment. He has no right to file any case. He is not entitled to reinstatement or continuing in service.

On behalf of the employers, the certified standing order of Ghuggus Colliery has been filed, which is page No. 12 Notice on Form 1 regarding the closer of the mine with effect from 1st July 85.

I have heard the counsel for the workman and the counsel for Western Coal Fields Ltd. I have also considered the entire oral and documentary evidence on the record.

The workman had submitted application dated 28-2-97 stating therein that, in September 84 he had fallen ill. He was under the treatment of Dr. D.D. Biswas, who certified him unfit for his duty. He had intimated about his sickness to the token clerk Shri Jagan. The illness prevented the workman from attending his duty for about 8 months. He went to report for duty in June 1985 and was informed that his service was terminated on 30-4-85.

The statement of the workman Mallaya Lachmayya was recorded on 22-8-2000. In his cross examination by counsel for management, he admitted that the aforesaid Ghuggus Colliery has been closed. He admits that he has not submitted any certificate regarding his illness in the court. He has also not submitted any document to show that he had fallen ill in September 84. No prescription of any Doctor has been submitted by him. He also did not submit any fitness certificate. He says that he had not submitted any written application to Jaganbabu, Clerk. He had left to his native village Nimmanpelli in Dist. Karimnagar, Andhra Pradesh. He did not submit any record to show that he was under treatment of any Doctor in his native village or Dist Karimnagar of Andhra Pradesh. He admits that from September 84 to April 1985 he did not send any information regarding his illness to the management of his colliery. He also did not submit any fitness certificate of Doctor in April 85 to the management. He did not move any application to General Manager of colliery regarding his termination of service.

In view of the above fact there is no evidence on record to show that the workman had fallen ill in September 1984 or he had reported for his duty in April 1985. In the absence of any documentary evidence regarding his illness, it can not be believed that the workman absented from duty for such a long time due to any illness. It is therefore clear that the workman himself did not turn up for work as long as the aforesaid colliery was in working condition.

From the letter No. WCL/SAM/GGSA/2640 dated 11-5-88, it is evident that the colliery was abandoned from 1st July 1985. As the aforesaid, Ghuggus Colliery is not in existence from 1-7-85, the workman can not be taken back on any job.

The workman has himself not explained any reason as to why he did not raise his dispute from April 85 to 28-2-97 i.e. for about 12 years. The long delay, of about 12 years clearly shows that the workman was himself not interested in continuing in service due to being medically unfit. The application dated 28-2-97 of Mallaya Lachamayya to Assistant Labour Commissioner (Central) clearly shows that he had become unfit to report for duty. No medical certificate of Dr. D.D. Biswas regarding any treatment of the workman has been filed. The workman did not also examine token clerk Shri Jagan in his defence. Thus, the workman has failed to show that his services were terminated illegally by the management of Sub Area Manager, W.C.L., Naigaon Sub Area, Wani, Dist. Yavatmal.

The counsel for the workman has submitted Ruling Gurmail Singh and Principal of Government College of Education F.L.R./2000/84 Page 920. This ruling is not applicable in this case because there is no order of termination of service of the applicant on file. The ruling Delhi Administration and others vs. Hiralal and others, 1999 Supreme Court Cases (L&S) page 1052 has also been cited. This ruling is also not applicable in this case because no case has been made out to condone the delay in this case.

In view of the above fact it is a case of abandonment and the workman is not entitled for reinstatement.

Considering the oral and documentary evidence on record I therefore hold that the workman is not entitled to any relief claimed by him.

ORDER

In view of the evidence discussed above, there is no evidence on record to show that management had terminated the service of the workman Mallaya Lachamayya, Trammer-Cum-Loader. He himself absented from the duty and was not willing to continue in service. He abandoned the job due to his long illness. The workman is therefore not entitled to any relief.

The reference is answered accordingly.
Dated : 16-10-2000

B. G. SAXENA, Presiding Officer

नई दिल्ली, 16 नवम्बर, 2000

का.आ 2659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बराजराजनगर कोल माईंस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय राउरकेला के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 15-11-2000 को प्राप्त हुआ था।

[सं. एल-22012/34/99 (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th November, 2000

S.O. 2659.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Rourkela as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barajrajnagar Coal Mines and their workman, which was received by the Central Government on 15-11-2000.

[No. L-22012/34/99(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL ROURKELA

Industrial Dispute Case No. 24/99(C)

Dated, 17th August, 2000

PRESENT :

Shri A. K. Dutta, O.S.J.S., (Sr. Branch) Presiding Officer, Industrial Tribunal, Rourkela.

BETWEEN

The General Manager,
Ib Valley Area MCL,
PO : Brajrajnagar,
Dist : Jharsuguda.

AND

The General Secretary,
Brajrajnagar Coal Mines
Workers Union,
At/PO : Lamtibahal,
Dist : Jharsuguda.

APPEARANCE :

For the 1st Party—Sri P. I. Mohanty, Personnel Manager.

For the IInd Party—None.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of Sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute for adjudication vide No. L-22012/34/99/IR (CM-II) dt. 22-11-99.

“Whether the demand of the Brajrajnagar Coal Mines Workers Union for regularisation with back wages of 60 contract Labourers (list enclosed) who have been engaged in permanent and perennial nature and prohibited category of job at Lajkura Open Cast Mines since last 10 years is justified? If so, what relief are the workmen entitled to?”

2. The case is fixed today for hearing. None appears from the side of Union and it has taken no steps. The representative of the management is present, but does not want to adduce any evidence. Hence it can be presumed that at present there is no dispute existing between them or they have amicably settled the dis-

pute outside the court in the meantime. Accordingly No Dispute Award is passed.

A. K. DUTTA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2000

का.आ. 2660:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ सी. आई. के प्रबंधन के संबंध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-11-2000 को प्राप्त हुआ था ।

[सं. एल-22012/335/99-(सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th November, 2000

S.O. 2660.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 16-11-2000.

[No. L-22012/335/99(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT|LC|R|67/2000

Presiding Officer : Shri K. M. Rai.

Shri Kalyan Singh Sarpar,
Near Dhobi Line,
Mathapara,
Distt. Raipur.

...Applicant.

Versus

The District Manager,
FCI, Raipur.

...Non-applicant.

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide order No. L-22012/335/99/IRCM.II dated 7-3-2000 has referred the following dispute for adjudication by this tribunal :-

"Whether the action of the management of FCI in dismissing Shri Kalyan Singh Sarpar Ex. Asst. Grade-I from service vide order No. VAS/4/40/84. II dated 25-5-86 of Sr. Regional Manager is legal and justified? If not, what relief the workman is entitled?"

2. The workman remained absent inspite of service of notice on him. The case therefore proceeded ex parte

against him. In view of his fact, no dispute exists between the parties.

3. On the above said reason, the workman is not entitled to any relief as claimed by him. The reference is accordingly answered in favour of the management and against the workman.

4. Copy of award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2000

का.आ.2661:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गोर्बी कोलियरी आफ एन सी. एल के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 नवम्बर, 2000 को प्राप्त हुआ था ।

[सं. एल-22012/330/93 (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th November, 2000

S.O. 2661.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gorbi Colliery of N.C.L. and their workman, which was received by the Central Government on 17th November, 2000.

[No. L-22012/330/93(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT|LC|R|35/94

Presiding Officer, Sh. K. M. Raj.

Suraj Prasad,
Ex. Dumper Operator,
Grade-II, Gorbi project,
NCL, Distt. Sidhi.

...Applicant

Versus

The General Manager,
Gorbi Colliery,
Gorbi Project, N.C.L.
Post, Gorbi,
Distt. Sidhi (MP)

...Non-applicant

AWARD

Delivered on this 25th day of September, 2000

1. The Government of India, Ministry of Labour vide order No. L-22012/330/93-IR C-II dated 4-2-94

has referred the following dispute for adjudication by this tribunal.

"Whether the action of the General Manager, Gorbi Project of NCL in dismissing Shri Suraj Prasad, Dumper Operator from company services w.e.f. 25-5-92 is legal and justified? If not, what relief the workman is entitled to?"

2. The case for workman in brief is that he was temporarily appointed as General Mazdoor Category-I by the non-applicant No. 2 General Manager, Gorbi Colliery, Gorbi Project, NCL, Dist. Sidhi. Later on he was recommended by the employment exchange, Sidhi for regular appointment of General Mazdoor Category-I from 1st April 1974 and accordingly his services were confirmed by the management. In the year 1988, he was selected for the training of dumper operator by the management and on 10-4-88, he successfully passed the examination of dumper operator course in IInd division. Thereafter he was upgraded as Dumper Operator Grade-II. All along his work and conduct was found satisfactory and therefore he was given due promotion also. On 10-12-91, he was served with a false chargesheet of misconduct by the management on account of conspiracy of the superior officer by the management and co-workers as he never agreed to be a party with them in their evil designs and illegal activities.

3. The workman further alleges that he submitted the reply to the charges within 3 days as per notice but his explanation was not accepted by the management and the DE was conducted against him. The enquiry was not done in a proper and judicious manner. The Enquiry Officer arbitrarily found the charges proved against him. The General Manager, without applying his mind, accepted the report and dismissed him from service with effect from 23-5-92. During the pendency of the enquiry, he was also suspended by the management which was highly improper and malicious. He was not given the copy of the Enquiry Report and other relevant documents as per rules. He was not given proper opportunity to defend himself. The enquiry Officer did not allow him to cross examine the Prosecution witness and to produce offence witnesses on his behalf. In this way, the Enquiry Officer added arbitrarily without following the rules and procedures in conducting the enquiry. Hence the dismissal order deserves to be set aside.

4. The case for the management in brief is that the workman was working as dumper operator Grade-III in Gorbi Colliery. On 8-12-91, he was to discharge his duty in the IInd shift from 12 noon to 8 PM during the duty hours, he was to drive dumper No. 1298 between mine No. 1 and coal handling plant. The workman on that day was found at Mine No. 3 at about 7.45 hours where his presence was not at all required. After his duty was over, it was found that 265 litres of diesel were found loss in the dumper. For this act, he was issued the chargesheet of theft of diesel committed by him. His explanation was not found satisfactory and therefore the DE was conducted against him. The enquiry was done in his presence and he was allowed to engage the co-worker to defend himself. He was given ample opportunity for defending himself. His co-worker fully cross examined the prosecution witnesses. The workman appeared as a sole witness in his defence

and defended his case. The Enquiry Officer after going through the matter on record found the charges proved and submitted the Enquiry Report to the General Manager for onward action. The General Manager was satisfied with the Enquiry proceedings and the Enquiry Report submitted by the Enquiry Officer. The charge was found proved against the workman and therefore the penalty for dismissal of service was imposed. In the circumstances of the case and gravity of the charge, the punishment is just and proper. The DE was properly conducted and therefore the dismissal order does not require any interference by this tribunal:

5. The following issues have been framed and findings thereon are given below :

1. Whether the enquiry is just proper and legal.
2. Whether the management is entitled to lead evidence before this tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?
5. Relief and costs?

6. Issues Nos. 1 & 2:—My learned predecessor has already decided issues Nos. 1 & 2 on 8-9-98. It has been specifically held by him that the DE conducted by the management against the workman is just and proper and therefore the management was not required to lead any evidence to prove the misconduct of the workman. In view of this finding, these issues need no further consideration.

7. Issues No. 3:—It has already been held that the DE conducted by the management against the workman is legal and proper. The Disciplinary Authority, on the basis of the report, has held the charges of misconduct proved against the workman. The Enquiry Officer has considered the relating circumstances in arriving at the finding that the charges of misconduct stand proved against the workman. In such a circumstance, this tribunal cannot sit as an appellate court over a decision based on the findings of the Enquiry Authority in disciplinary proceedings. When there is some relevant material which the disciplinary authority has accepted and which material reasonably support the confusion reached by the Disciplinary Authority, it is not the function of the tribunal to review the same and give different finding than that of the Disciplinary Authority. From the evidence adduced before the Enquiry Officer by the management it is abundantly clear that on 8-12-91, the workman took the charge of Dumper No. 1298 to perform his duty in the IInd shift. During the duty hours, the workman was required to drive dumper between Mine No. 1 and Coal Handling Plant. On that day, he was found at mine No. 3 at about 7.45 PM where his presence was not at all required because that mine was closed. The Dumper was lying near the said Mine No. 3 and was not in a condition to move when the workman took the charge of this dumper its tank was full of diesel. On receiving the information of the dumper being found idle near Mine No. 3, it was inspected and about 265 litres of diesel were found less in the tank of the dumper. On that day, the distance covered by the dumper in the duty hours of the workman could have consumed

only 100 litres of diesel. On next day when the diesel was being filled in the tank about 330 liters of diesel was filled in it. In this way the exact shortage of 153 litres of diesel was found in the tank of the dumper. The workman has not been able to explain as to how this shortage was caused during his duty hours. This fact therefore goes to show that the workman had dishonestly removed the said quantity of diesel in order to benefit himself illegally. On the circumstances and evidence on the record, no other finding could be arrived at.

8. In view of the above said facts and evidence, the misconduct of the workman has been fully proved. At this stage it is not required for this tribunal to reappreciate the evidence recorded during the Departmental Enquiry proceedings. I therefore find that the charges framed against the workman are proved beyond any doubt.

9. Issue No. 4.—Looking to the gravity of charge, the punishment of dismissal from service cannot be said to be improper. If the workman is allowed to commit theft of the property of the management for which he was entrusted then no undertaking can function efficiently. Such type of misconduct have caused the huge loss to the coal and other public industry. In such circumstance, I do not find any reason to interfere with the punishment of dismissal awarded by the management.

10. Issue No. 5.—On the reasons stated above, I find that the workman is not entitled to any relief as claimed by him. His dismissal from service is just and proper. In this way, the reference is answered against the workman and in the favour of the management. In the circumstances of the case, the parties shall bear their own cost.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2000

का.आ. 2662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अस न्यायन जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 नवम्बर, 2000 को प्राप्त हुआ था।

[सं. एल-22012/31/79-डी. 4बी/डी-3-बी]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 20th November, 2000

S.O. 2662.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman,

which was received by the Central Government on 17th November, 2000.

[No. L-22012/31/79-D-IV-B/D-III-B]
N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/125/88

Presiding Officer : Shri K. M. Rai.

Shri N. P. Srivastava,
through The General Secretary
Bhartiya Koyla Khadan Mazdoor
Sangh.

... Applicant.

Versus

The Sub-Area Manager
Damua Sub-Area of M/s. WCL,
Kanhana Area, PO Damua.

... Non-applicant.

AWARD

Delivered on this 23rd day of October, 2000

1. The Government of India, Ministry of Labour vide Order No. L-22012/31/79/D.IV(B)/D.III(B) dated 29-11-68 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Damua colliery of M/s. Western Coalfields Limited, Kanhana Area, Chhindwara in dismissing from service Shri N. P. Srivastava, Bonus clerk was justified? If not, what relief the workman concerned is entitled to?”

2. Parties filed written settlement praying for the award in terms thereof.

3. The parties have voluntarily arrived at a settlement and accordingly they have filed the written agreement praying for passing award in terms thereof which was also accepted by them.

4. In view of the written settlement, it is hereby ordered that the workman Shri Narayan Srivastava Ex. bonus clerk, Damua colliery will be reinstated as clerk in his existing grade at the time of dismissal and posted in Damua colliery itself. On the principle of “No work no pay”, the workman shall not be entitled to the back wages and other benefits for the period of his absence from duty. On reinstatement the workman will be on probation for a period of one year from the date of joining his duty. During this period, his conduct and performance will be watched by the management. On receipt of satisfactory performance report of the probation, his services will be confirmed. On his confirmation continuity of service will be granted for the limited purpose of gratuity calculation and not for other purposes in any case. The other service particular will remain same as before joining with the management at the time of dismissal. This settlement settles the issue fully and finally.

5. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer.

नई दिल्ली, 16 नवम्बर, 2000

का.आ. 2563.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 जनवरी, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 [धारा 76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

जिला रंगारेड्डी के मंडल शम्शाबाद में राजस्व ग्राम :—

“शम्शाबाद मकता बहादुर अली, कोतवाल गुडा, लगर गुडा, गोलकोंडा खुर्द, गोलकोंडा कलाँ, बहादुर गुडा, सैयद-गुडा, संगी गुडा, गोलापल्ली कलाँ, गोलापल्ली खुर्द शहजादी बेगम, चेलागुडा, हमीदुल्ला नगर, शंक्रापुर, पोशेट्टीगुडा रशीद गुडा, पेट्टाशापुर गन्डीगुडा, घासीमिया गुडा, तोड्डुल्ली ऊटपल्ली, किशनगुडा, देवत्लाबोली, हरी गुडा, नर्कोड, अम्मापल्ली, चौदरगुडा तथा पाशम्बंडा” ।

[सं. एस 38013/49/2000 एस. एस. -1]
जे. पी. शुक्ला, उप सचिव

New Delhi, the 16th November, 2000

S.O. 2663.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Section 72, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

“All the areas falling within the Revenue Villages of Shamshabad, Maqtha Bahadur Ali, Kothwalguda, Langarguda, Golkonda Khurd, Golkonda Kalan, Bahadurguda, Sayedguda, Sangiguda, Golapally Kalan, Gollapally Khurd, Shahazadi Begum, Cherlaguda, Hameedullanagar, Shankrapur, Poshettiguda, Rashedguda, Peddalahapur, Gandiguda, Ghasmiyaguda, Tondupally, Ootpally, Kishanguda, Devathala Bowli, Harriguda, Narkoda, Ammapally, Chowderguda and Pashambanda in Shamshabad Mandal in Rangareddy District”.

[No. S-38013/49/2000-SS-I]
J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 21 नवम्बर, 2000

का.आ. 2664.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 16 की उप-धारा (1) के अनुसरण में, केन्द्रीय सरकार सुश्री सुमन स्वरूप भारतीय प्रशासकीय सेवा (ए. जी.एम.यू. 69) को 30 अक्टूबर, 2000 अपराह्न से 22,400-525-24,500 रुपये के

वेतनमान में श्री एल.एम. मेहता के स्थान पर महानिदेशक, कर्मचारी राज्य बीमा निगम के रूप में नियुक्त करती है ।

[सं. ए-12026/3/2000 एस. एस.-1]
जे. पी. शुक्ला, उप सचिव

New Delhi, the 21st November, 2000

S.O. 2664.—In pursuance of sub-section (1) of Section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints Ms. Suman Swarup, I.A.S. (AGMU : 69) as the Director General, Employees' State Insurance Corporation in the pay scale of Rs. 22-400-525-24,500 vice Sh. L. M. Mehra with effect from the afternoon of 30th October, 2000.

[No. A-12026/3/2000-SS. I]
J. P. SHUKLA, Dy. Secy.

CORRIGENDUM

New Delhi, the 23rd November, 2000

S.O. 2665.—In the notification of the Government of India in the Ministry of Labour S.O. 1667 dated the 10th July, 2000 published in the Gazette of India Part-II, Section 3(ii) dated 22nd July, 2000 for “1st July, 2000” read “1st August, 2000”.

[F. No. S-38013/28/2000-SS I]
J. P. SHUKLA, Dy. Secy.

नई दिल्ली, 24 नवम्बर, 2000

का.आ. 2666.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि प्रतिभूति मुद्रणालय, हैदराबाद में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 12 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए ।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम, के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं. एस. 11017/8/97 ओ. सं. (नी. वि.)]
एच. सी. गुप्ता, अव्वर सचिव

New Delhi, the 24th November, 2000

S.O. 2666.—Whereas the Central Government is satisfied that the public interest requires that the services in the Security Printing Press, Hyderabad which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/8/97-IR(PL)]
H. C. GUPTA, Under Secy.